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Upholding the Principles of the

1839-

Marcus Buttrick

Printer



1839-

STATUTES,
OF HER MAJESTY'S PROVINCE
OF
UPPER CANADA,

PASSED IN THE
FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT,
OF UPPER CANADA.

By Authority.

SIR GEORGE ARTHUR, K. C. H.
LIEUTENANT GOVERNOR.

TORONTO:

Printed by ROBERT STANTON, Printer to the QUEEN'S MOST EXCELLENT MAJESTY.

.....
1839.

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STATUTES,

OF

Upper Canada,

PASSED IN THE FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT:
MET AT TORONTO, ON THE TWENTY-SEVENTH DAY OF FEBRUARY, 1839, AND PROROGUED
ON THE ELEVENTH DAY OF MAY, 1839, IN THE SECOND YEAR
OF THE REIGN OF VICTORIA.

SIR GEORGE ARTHUR, K. C. H.
LIEUTENANT GOVERNOR.

ANNO DOMINI 1839.

CHAP. I.

AN ACT to regulate the name and style of the Court established under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of King George the Third, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."

[Passed 11th May, 1839.]

WHEREAS it is expedient and right, that the name and style of the Court established in this Province under the authority of an Act of the Provincial Parliament, passed in the thirty-fourth year of the reign of His late Majesty King George the Third, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," should alter and vary according to the existing fact of

Preamble.

Style of Court to be
"King's," or "Queen's
Bench," according to the
reign of a male or female
Sovereign.

the reigning Sovereign being male or female: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act the name and style of the said Court shall be, His Majesty's Court of King's Bench in and for the Province of Upper Canada, during the reign of any male Sovereign; and that the said name and style shall be, Her Majesty's Court of Queen's Bench in and for the Province of Upper Canada, during the reign of any female Sovereign, as the case may be, any thing in the above mentioned Act to the contrary thereof in anywise notwithstanding.

Past suits, &c., not affected
by this Act.

II. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to affect any suit or action that may have been brought in any of the Courts of Law or Equity in this Province, previous to the passing of this Act.

CHAP. II.

AN ACT to alter and amend the law relating to the Appointment of Commissioners of the Court of King's Bench, in the several Districts of this Province.

[Passed 11th May, 1839.]

Preamble.

WHEREAS it is expedient to alter and amend the law relating to the appointment of Commissioners for taking Recognizances of Bail, and Affidavits, in the several Districts of this Province, so as to authorise the Justices of Her Majesty's Court of King's Bench, in certain cases, to make such appointments without the intervention of the Chief Justice: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the

fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That in the event of the death of the Chief Justice, for the time being, or his absence from the Province, it shall and may be lawful for any two or more of the Puisne Justices of the said Court, to appoint Commissioners for taking Recognizances of Bail, and Affidavits in the several Districts of this Province, in like manner as the said Chief Justice, and other the Justices of the said Court are now by law authorised to do, any thing contained in any former Act or Acts notwithstanding.

Puisne Judges empowered to appoint Commissioners, in the absence of the Chief Justice.

CHAP. III.

AN ACT to provide for the payment of Costs, in certain cases of informations, at the suit of the Crown, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

WHEREAS it is expedient to make provision for the payment and recovery of Costs, in certain cases of Information, for intrusion upon lands of the Crown, for penalties, and for condemnation of Vessels, Carriages, and other conveyances and articles, seized for alleged infraction of the Revenue Laws, where there are claimants for the same, and in suits brought for debt due to the Crown: *And whereas*, great injustice frequently arises, from the want of authority to order the payment of Costs, in any cases of a like description: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Judge before whom any such Information shall be tried, in case of a verdict for the Crown, to certify, on the back of the Record thereof, that it is a proper case for the allowance of Costs to be paid by the Defendant in such Information; and in every such case, the Clerk of the Crown shall, on the entry of the Judgment, tax Costs, as in ordinary cases under the orders and rules of the Court of King's Bench, now or hereafter to be in force; and such Costs shall form part of the Judgment.

Preamble.

Costs may be allowed by the Judge, in case of verdict for the Crown.

To be taxed as in ordinary cases.

Taxed costs recoverable
in the same manner as
penalties.

II. *And be it further enacted by the authority aforesaid,* That when any Costs shall be taxed and awarded against any Defendant, they shall be levied and recovered in the same manner as is now by law provided for the levying any penalty adjudged to the Crown.

In what cases costs may
be allowed to Defendants.

When payable by the
Government.

When recoverable from
person, at whose instance
suit instituted.

III. *And be it further enacted by the authority aforesaid,* That when a Verdict for the Defendant in any such Information shall be rendered, it shall be lawful for the Judge who tries the same, in his discretion, to certify that it is a proper case for the allowance of Costs to the Defendant, and further to certify, whether there was reasonable and probable cause for the prosecution; and in case the Judge shall so certify, then and in such case, the Costs shall be taxed, and the amount thereof paid by Warrant of the Lieutenant Governor on the Receiver General, out of the general revenues of this Province; and in case the Judge shall certify that it is a proper case for the allowance of Costs to the Defendant, but shall not certify that there was reasonable and probable cause for the prosecution, then such Costs shall be taxed, and shall be recovered from the Prosecutor, or person at whose instance such Information shall have been preferred, and filed by attachment, after demand duly made.

Interlocutory costs.

IV. *And be it further enacted by the authority aforesaid,* That interlocutory Costs may, in like manner, be allowed to and recovered by either party, on any such information, in the discretion of the Court of King's Bench, or any Judge thereof in vacation.

Proceedings against persons
intruding on Crown
property, after Judgment,
on information of intrusion.

V. *And be it further enacted by the authority aforesaid,* That if, after Judgment shall have been rendered in favour of the Crown in any Information of intrusion, and process of execution shall have been executed against the Defendant, such Defendant shall, without lawful authority, again intrude upon and take possession of the same Lands, Tenements and Hereditaments, from which he shall have been expelled and removed, it shall and may be lawful for the Court of King's Bench, or any Judge thereof, upon hearing the parties on affidavit, to order an Alias or Pluries Writ of Execution on the same Judgment, to issue against such Defendant; and to award such further Costs of the Writ and Application, as shall be, from time to time, regulated by the rules and orders of the said Court.

Crown Officers not
authorised to receive fees
under this Act.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall authorise, or be construed to authorise, Her Majesty's Attorney or Solicitor General, to receive any fee or fees for the personal services which they may at any time render under the authority of the provisions herein contained.

CHAP. IV.

AN ACT to continue in force, amend and make perpetual, an Act passed in the fourth year of His late Majesty's reign, entitled "An Act to provide for the Summary Punishment of Petty Trespasses, and other offences."

[Passed 11th May, 1839.]

WHEREAS the Act, entitled, "An Act to provide for the Summary Punishment of Petty Trespasses, and other offences," will expire at the close of the present Session of the Provincial Parliament: *And whereas*, it is expedient that the same should be continued in force, amended and made perpetual: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said first mentioned Act be and the same is hereby made and declared to be perpetual.

Preamble.

4 W. 4 c. 6. made perpetual.

II. *And be it further enacted by the authority aforesaid*, That in all cases in which a summary jurisdiction is given to one or more Justices, by virtue of the before recited Act, or any other Act of the Legislature of this Province, it shall and may be lawful for the said Justice or Justices, before whom any complaint is made upon oath, and they are hereby required, at the request of either the Complainant or Defendant, to summon such person or persons as he, she or they, may require to appear, at a time and place to be named in such summons, to give evidence; and every person so summoned, and neglecting to appear pursuant thereto, without reasonable excuse, to the satisfaction of the said Justice or Justices, upon proof of the service of such summons, or appearing and refusing to take an oath, or being of the people called Quakers, refusing to affirm and give evidence, touching the charge in such complaint, shall, for every such offence, forfeit any sum not exceeding five pounds, to be recovered by distress and sale of the goods and chattels of such offender, and applied in the manner directed in the before recited Act for the recovery and

Justices empowered to summon witnesses.

Penalty for refusing to attend or to give evidence.

Commitment in default of distress. application of penalties; and in default of such distress, be committed to the Common Gaol of the District for any time not exceeding one calendar month.

CHAP. V.

AN ACT to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to continue and amend the law for Attaching the Property of Absconding Debtors."

[Passed 11th May, 1839.]

Preamble.

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to continue and amend the law for Attaching the property of Absconding Debtors," will shortly expire: *And whereas*, it is expedient to continue and make permanent the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued and made permanent.

5. W. 4. c. 5. made perpetual.

CHAP. VI.

AN ACT to amend the law enabling Married Women to convey their Real Estates within this Province.

[Passed 11th May, 1839.]

Preamble.

WHEREAS by an Act passed in the first year of the reign of His late Majesty King William the Fourth, entitled "An Act to enable Married Women more conveniently to alien and convey their Real Estate, and to repeal an Act passed in the forty-third year of the reign of King George the Third, entitled, 'An Act to enable Married Women having Real

1. W. 4. c. 3, s. 1. recited.

Estate more conveniently to alienate and convey the same," it is enacted, that it shall be lawful for any Married Woman, above the age of twenty-one years, residing in this Province, and seized of Real Estate therein, to alien such Estate by Deed, jointly with her Husband, executed in the presence of a Judge of the Court of King's Bench, in certain cases a Judge of the Surrogate Court, or two Justices of the Peace, who shall, on the day of the execution of such Deed, certify on the back of the same certain facts, as set forth in the said Act: *And whereas* in some cases such Certificates may not have been signed on the day of the date of the Deed to which they relate as required, and it is nevertheless expedient to render valid such Deeds, and also to provide that in future such Certificates shall state, that the Deed was executed as required on the day in which the Certificate shall be signed; and also that the said Certificate shall in all cases be prima facie evidence of the facts certified therein: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That when any Certificate upon the back of any Deed, executed by any married Woman pursuant to the said Act, shall have been heretofore given on any day subsequent to the execution of the said Deed, such Certificate shall be deemed and be taken to have been given on the day on which the said Deed was executed; and such Deed shall be as good and valid in Law, as if such Certificate had been in fact signed on the day of the execution of the Deed to which it relates, as required by the said Act.

Certificate of alienation
by a Married Woman
valid, though not signed
on the day the Deed was
executed.

II. *And be it further enacted by the authority aforesaid*, That the Certificate to be endorsed upon any Deed, pursuant to the said Act, shall be to the following effect: — do hereby certify, that on this — day of —, at —, the within Deed was duly executed in the presence of —, by —, wife of —, one of the grantors therein named; and that the said —, at the said time and place, being examined by —, apart from her Husband, did appear to give her consent to depart with her Estate in the Lands mentioned in the said Deed, freely and voluntarily, and without coercion or fear of coercion on the part of her Husband, or of any other person or persons whatsoever; and that such Certificate shall be deemed and taken to be prima facie evidence of the

Form of Certificate.

Certificate prima facie
evidence of facts con-
tained.

facts contained therein, any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

Joining in conveyance, containing a release of Dower, by a Married Woman, a sufficient Bar of Dower.

III. *And whereas* it is expedient to provide greater facilities for Barring Dower; *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act, whenever any married Woman shall join with her Husband in any Deed or Conveyance whatever, (wherein a release of Dower is contained) it shall not be necessary to acknowledge the same before any Court, Judge or Justice of the Peace, but such execution shall be deemed a valid and effectual Bar of Dower of and in the premises mentioned and described in such Deed or Conveyance, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Past acknowledgments in Bar of Dower rendered effective, although the wife not a party to the execution of the Deed.

IV. *And whereas* it is necessary, by Legislative provision, to legalize the Bar of Dower in certain Deeds and Conveyances where the Wife has not been a party to such Deeds or Conveyances, but has acknowledged the same before some competent authority; *Be it therefore enacted by the authority aforesaid*, That all acknowledgments which have been taken before any competent authority, shall be taken and deemed to be a valid and effectual Bar of Dower to all intents and purposes whatever, although the said Wife shall not have joined in the execution of such Deed or Conveyance, or shall not have acknowledged the same on the day of the execution of such Deed or Conveyance.

CHAP. VII.

An Act to continue and make perpetual An Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled 'An Act to supply, in certain cases, the want of County Courts, in this Province, and to make further provision for proceeding to Outlawry, in certain cases therein mentioned.'"

[Passed 11th May, 1839.]

Preamble.

WHEREAS an Act was passed in the fifty-fifth year of the reign of King George the Third, entitled "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to Outlawry, in certain cases therein mentioned;'" *And whereas*, the said Act having been passed for a limited time,

has been continued by several Acts, and it is now about to expire, and it is expedient to continue the same: *Be it therefore enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, ^{55. Geo. 3. c. 3. made perpetual.} That the said recited Act be and the same is hereby continued and made perpetual.

CHAP. VIII.

An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials;'" and also, a certain other Act, passed in the eighth year of the reign of King George the Fourth, entitled "An Act to continue and amend the laws now in force for the trial of controverted Elections."

[Passed 11th May, 1839.]

WHEREAS an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled "An Act to repeal an Act ^{Preamble.} passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials'; and also an Act passed in the eighth year of His late Majesty's reign, entitled "An Act to continue and amend the Law now in force for the trial of controverted Elections," have been continued, but are now about to expire: *And whereas* it would greatly facilitate the proceedings on such trials if these Laws are continued: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled

4. Geo. 4. c. 4. made
perpetual.

"An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said above recited Acts shall be, and the same are hereby continued, and be and remain permanent.

CHAP. IX.

AN ACT to repeal, alter and amend, the Militia Laws of this Province.

[Passed 11th May, 1839.]

Preamble.

WHEREAS the provisions of an Act passed in the first year of Her Majesty's reign, entitled, "An Act to amend and reduce into one Act the Militia Laws of this Province," have been found insufficient; *And whereas*, it is necessary to make further provision to place the Militia of this Province upon a more efficient footing: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said Act, and all the Acts mentioned in the last clause thereof, be and the same are hereby repealed.

Militia Act, 1. Vict. c. 8,
repealed.

Lieutenant-Governor may
divide Militia into Regi-
ments and Battalions and
appoint Officers;

Rank of Officers;

Officer commanding
removing from the limits
of his Regiment, &c. his
command in respect of
such Regiment, &c. ceases.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, from time to time, to divide the Militia of this Province into such number of Regiments or Battalions as he may deem most conducive to the efficiency of the said Militia; and under his hand and seal to appoint a sufficient number of Lieutenant Colonels, Majors, Captains and other Officers, to train, discipline and command, the said Militia, according to such rules, orders and directions, as shall from time to time be issued by him for that purpose; which Officers of Militia shall rank with Officers of Her Majesty's Forces serving in this Province as junior of their respective rank: *Provided nevertheless*, that any Colonel, Lieutenant Colonel, or Officer in the command of any Regiment or Battalion of Militia in this Province, having removed, or hereafter removing, from the District in

which the limit of such Regiment or Battalion is situated, to which such Colonel, Lieutenant Colonel or Officer in command, respectively belong, that the authority of such Officer shall cease, in as far as relates to the command or any interference with the duties of such Regiment or Battalion.

III. *And be it further enacted by the authority aforesaid,* That the Militia of this Province shall be composed of the male Inhabitants thereof, Militiamen to be not less than eighteen nor more than sixty years of age. not less than Eighteen nor more than Sixty years of age.

IV. *And be it further enacted by the authority aforesaid,* That the Officers now commanding Regiments or Battalions of Militia, or who shall hereafter command the same, shall require the Captains, or Officers commanding companies or divisions in such Regiment or Battalion, to call upon the Inhabitants liable to serve within the limits of his company or division to enrol their names as Militiamen, at least once in every year, that is to say, on the fourth day of June, or if that day be upon Sunday, then on the following day, in each year; which enrolment shall be made Persons liable to Militia service to enrol themselves every fourth of June; at a place to be appointed by the Officer commanding the Regiment or Battalion: *Provided always,* that no person shall enrol himself as aforesaid unless such person is a natural born Subject of Her Majesty, or a Subject of Her Majesty naturalized by an Act of the British Parliament, At place appointed by Commanding Officer; or become such by an Act of the Parliament of this Province, or a person who has taken the oath of allegiance. Subjects of Her Majesty only required to enrol themselves.

V. *And be it further enacted by the authority aforesaid,* That every person liable to serve in the Militia of this Province, residing within the limits of any Regiment or Battalion, shall appear at the place so appointed by the Officer commanding such Regiment or Battalion, and there enrol his name as a Militiaman, and if a question shall arise as to the age of any person required to enrol himself, it shall be incumbent on him to prove his age. Incumbent on persons liable to service to appear at place appointed, and if necessary to prove his age.

VI. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Lieutenant Governor to call out and embody the Militia of this Province, or any portion thereof, in a time of actual War with a Foreign Power; to put down or suppress Rebellion; to repel Invasion; or for any purpose connected with the preservation of the public peace; by Ballot, or in such other manner as to him shall seem best; and to continue the Militia so called out embodied for actual service so long as in his opinion may be necessary, for a period not exceeding Six Months at any one time; and any person refusing to obey such order or command, or absconding from, or neglecting to repair to the place he is ordered to, Lieutenant-Governor may call out Militia in time of War, Rebellion or Invasion, and continue them embodied so long as necessary; Not exceeding six months at one time; Penalty for neglecting or refusing to obey such call;

shall as soon as possible be brought to trial before a Court Martial as hereinafter provided, and being a Commissioned Officer shall forfeit and pay the sum of Fifty Pounds, and be held to be unfit to serve Her Majesty as an Officer in any Military capacity, and being a Non-Commissioned Officer or Private shall forfeit and pay a sum not exceeding the sum of Twenty Pounds, in the discretion of the said Court: and in default of payment for such refusal or neglect, such Officer, Non-Commissioned Officer or Private, shall be committed to the common Gaol of the District, for any time not more than six months, in the discretion of such Court, except such person shall satisfy the Colonel or Officer commanding such Regiment or Battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave; and that all such penalties shall be levied and collected in the same manner as penalties are authorized to be levied and collected, by the authority of this Act, for disobedience of orders in time of peace: *Provided always*, that whenever it shall happen that only part of the Militia of this Province shall be called out for actual service, it shall and may be lawful for any person, being of the Militia of the County or Riding that may be so called out, or of any City within the same duly chartered by any Act of the Parliament of this Province, to provide and send an able-bodied man to serve in the said Militia in his stead, and such able-bodied man shall be taken and received as a proper substitute for such person living in the County, Riding, or City, that would otherwise be obliged to serve in the said part of the Militia called out as aforesaid: *Provided nevertheless*, that Colonels, Lieutenant-Colonels, or Officers in the command of Regiments or Battalions, and all Officers of Militia shall reside within the District in which the Regiment or Battalion is or has been situated, to which such Officers respectively belong; and that any Colonel, Lieutenant-Colonel, or Officer in the command of any Regiment or Battalion of Militia, or any Officer having removed, or hereafter removing from the District in which the limits of the Regiment or Battalion of Militia, under the command of such Colonel, Lieutenant-Colonel, or Officer, is situated, that the authority of such Colonel, Lieutenant-Colonel, or Officer shall cease, in as far as relates to any interference with the command or duties appertaining to the Officer in command of any Regiment or Battalion of Militia in this Province.

Imprisonment for default of payment;

How penalties to be collected;

Person called upon to serve may provide substitute;

Officers to reside within the limits of their respective Regiments, &c.;

Officers leaving the limits of their respective Regiments, &c. cease to command therein.

Militia may be marched for service to Lower Canada or to any other place where preparation making for invading this Province.

VII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant-Governor to embody the Militia of this Province, or such portion thereof as he may think necessary and expedient, and to march the same into the Province of Lower Canada, at any time when the same shall be actually Invaded, or threatened with Invasion, or in a state of Insurrection, or to march the said Militia, or any

portion thereof, to any place without the limits of this Province, for the attack of any enemy that may have invaded, or may be marching or collected for the purpose of invading this Province, or for the destruction of any Vessel or Vessels built or building, or any Fort, Depot, or Magazine, formed or forming by any Foreign Power at War with our Sovereign Lady the Queen, Her Heirs or Successors, from whence the Invasion of this Province may be apprehended.

VIII. *And be it further enacted by the authority aforesaid,* That the Colonel, or Officer commanding any Regiment or Battalion of Militia within this Province, shall have power and authority to assemble his respective Regiment or Battalion two days in each year, and oftener if thereunto directed by the Lieutenant Governor, at such place or places as he shall appoint, for the purpose of drill and inspection; and that the Captains or Officers in command of Companies, shall cause a verbal or written notice to be given to each Militiaman within the limits of their Companies, either personally, or by leaving the same at their respective places of residence, of the time and place when such drill and inspection is to take place, at least four days previous thereto, which notice shall be served as aforesaid by such Non-Commissioned Officer as the Captain or Officer commanding the Company shall appoint and direct.

Officers commanding may assemble Militia two days in each year for the purpose of drill and inspection;

Notice to Militiamen of time and place of assembling;

Four days previous thereto.

IX. *And be it further enacted by the authority aforesaid,* That all Officers of Militia appointed under and by virtue of this Act, shall hold their Commissions during pleasure.

Officers to hold their Commissions during pleasure.

X. *And be it further enacted by the authority aforesaid,* That on or before the fourteenth day of June, in each and every year, the Colonel or Officer commanding any Regiment or Battalion of Militia, in this Province, shall transmit to the Adjutant General of the Province, a return of the effective strength of the same, the vacancies that may have occurred from any cause among the Officers of such Regiment or Battalion, and the names of persons recommended to fill such vacancies, together with such further information as the Lieutenant Governor shall from time to time, direct to be included in such Return.

Annual Returns to Adjutant-General on or before 14th of June.

XI. *And be it further enacted by the authority aforesaid,* That the Lieutenant Governor shall have full power and authority to appoint persons belonging to his personal Staff or on the Staff of the Militia, to such Militia rank as he may think proper to confer, not exceeding the rank of Lieutenant-Colonel, independent of and apart from any rank that may be held by such person, in any Regiment or Battalion of Militia, in this Province.

Lieutenant-Governor may appoint Officers of his Staff to Militia rank.

Lieutenant-Governor may prescribe uniform.

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor, from time to time, to prescribe the Uniform to be worn by the Militia of the Province when on duty, or assembled for drill or inspection.

Officers to provide themselves with uniform, &c. within time limited or be superseded.

XIII. *And be it further enacted by the authority aforesaid,* That any Officer of Militia who shall not, within one year from the time the Lieutenant Governor shall prescribe the Uniform for the respective Regiments or Battalions, provide himself with such Uniform, including a Sword, and who shall appear at any Muster or Inspection of the Regiment or Battalion to which he belongs without being dressed in such Uniform and Sword, or who shall not have provided himself with such books of instruction as may be hereafter required by any Militia General Order, shall be, and he is hereby declared superseded.

Lieutenant-Governor may appoint Regiments, &c. of Dragoons, Artillery or Light Infantry;

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor, in his discretion, to constitute Regiments or Battalions of Dragoons, Artillery or Light Infantry, separate and distinct from other Regiments or Battalions, in the several Districts of this Province, to be selected from the different Regiments or Battalions therein, as the Lieutenant Governor may direct: *Provided nevertheless,* that nothing in this clause contained shall be construed to prevent the formation of Companies of Artillery, or Troops of Dragoons, within the limits assigned to the several Regiments or Battalions of Militia, to be independent of, or attached to such Regiments or Battalions, according to such orders or directions as the Lieutenant Governor may from time to time make in that behalf.

Without prejudice to the formation of Artillery Companies or Troops of Dragoons within limits of Regiments or Battalions, &c.

Regiments of Dragoons, &c. subject to rules and orders as other Militiamen.

XV. *And be it further enacted by the authority aforesaid,* That Regiments or Battalions of Dragoons, Artillery or Light Infantry, so constituted as aforesaid, shall be subject to such orders, rules and regulations, with respect to Drill, Inspection, or other duty, as from time to time, may be issued by the Lieutenant Governor, for their efficient organization for actual service, apart from the other Regiments or Battalions of Militia in the Province.

Penalty on Officers guilty of disobedience, &c. during time of peace.

XVI. *And be it further enacted by the authority aforesaid,* That any Officer of Militia, who, in time of peace shall be guilty of wilful neglect or disobedience of orders, or of any act of insubordination in the performance of his duty, shall, on conviction, be liable to pay a fine, not less than Five Pounds, nor more than Twenty Pounds, besides costs of conviction, or to be dismissed the service, at the discretion of the Court before whom he may be tried.

XVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor, in his discretion, to form Rifle Companies within the limits assigned to the several Regiments or Battalions of Militia, to be independent of or attached to such Regiment or Battalion, according to such orders or directions as the Lieutenant Governor may from time to time make in that behalf.

Lieutenant-Governor empowered to form Rifle Companies.

XVIII. *And be it further enacted by the authority aforesaid,* That any Non-Commissioned Officer or Private Militia-man, who in time of peace shall wilfully refuse or neglect to enrol himself as herein-before provided, or who shall be guilty of wilful neglect or disobedience of orders, or of any act of insubordination or misconduct while on parade or engaged in the performance of Militia duty, shall on conviction, pay a fine of not less than Five Shillings, nor more than Five Pounds, over and above the costs of conviction, and in default of payment, shall be liable to imprisonment in the common Gaol of the District, for a term not less than three days, nor more than one month.

Penalty on Non-Commissioned Officers and Privates for disobedience or neglect of duty in time of peace.

XIX. *And be it further enacted by the authority aforesaid,* That the Colonel or Officer commanding any Regiment or Battalion of Militia in this Province, shall have full power and authority, in time of peace, to assemble a Court Martial, to be composed of not less than three Officers of the Regiment or Battalion under his command, one of whom at least shall be of the rank of Captain, and which Court shall have full power and authority to hear evidence, and investigate all charges that may be brought against any Non-Commissioned Officer or Private Militia-man, for any offence or neglect of duty contrary to the Provisions of this Act, and to give such Judgment thereupon, as they in their discretion shall think just and reasonable, the same being in accordance with and authorized by the enactments herein contained.

Officers commanding may assemble Courts Martial in time of peace for trial of offences against this Act by Non-Commissioned Officers or Privates.

XX. *And be it further enacted by the authority aforesaid,* That the Colonel or Officer commanding any Regiment or Battalion, shall direct a notice to be given to the Captains or Officers commanding Companies under his command, of the time and place where such Court shall be held, at least three days before the time for its assembling.

Notice to Officers of time and place of holding such Court.

XXI. *And be it further enacted by the authority aforesaid,* That after receiving such notice, and at least four days before the meeting of such Court, Captains or other Officers commanding Companies, shall cause a notice in writing to be served on any Non-Commissioned Officer or Private Militia-man belonging to the Company under his command,

Four days notice in writing to persons against whom charges are to be preferred;

Form of notice.

against whom it may be intended to prefer any complaint of neglect of duty or misconduct of such Non-Commissioned Officer or Private Militia-man, requiring him to appear to answer such complaint; which notice, signed by the Captain or Officer commanding such Company, may be in the words or to the effect following: "You A. B. are hereby required to attend before the Court appointed for the trial of Militia offenders belonging to the ——— Regiment of Militia, which will assemble at ——— on the ——— day of ———, at ten o'clock forenoon, to answer a charge (for not enrolling yourself as a Militia-man, or for not attending Militia muster, or for insubordination, as the case may be.) Dated this ——— day of ———. C. D. Captain or Officer commanding ——— Company ——— Regiment, Militia."

No person to be condemned unless due service of such notice proved.

XXII. *And be it further enacted by the authority aforesaid,* That no Non-Commissioned Officer or Private Militia-man, shall be condemned or be liable to answer any charge preferred against him, unless it be proved at the time appointed for the trial of such charge, that he had been served with a notice as hereinbefore provided, at least four days before the meeting of the said Court, to appear and answer the charge to be preferred against him.

Court may command attendance of witnesses, and commit for neglect.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said Court to command the appearance and to examine Witnesses upon oath relative to any complaint that may be brought before them, and to commit the person summoned as a Witness for non-attendance, as in ordinary cases of contempt.

Allowance to Officers composing the Court;

And to the Judge Advocate;

And witnesses.

XXIV. *And be it further enacted by the authority aforesaid,* That the Officers composing the said Courts Martial and Courts of Inquiry authorized to be assembled under and by virtue of this Act, shall be entitled to receive five Shillings for each day they shall be engaged as Members of the said Court; and the person officiating as Judge Advocate shall be entitled to receive twenty Shillings per day for each day he shall be so engaged; and that all Witnesses summoned to attend such Court or Courts shall be entitled to receive two Shillings and Six-pence per day each for their attendance.

Fees to persons serving notices, &c.;

XXV. *And be it further enacted by the authority aforesaid,* That the person who shall serve notices as hereinbefore required shall be entitled to receive Four-pence for each mile he shall necessarily travel to effect such service; and that for every Fine levied and collected under a Warrant from the said Court, the person levying the same shall be entitled to the same fees as are now paid for services of a like nature to any Constable

or Peace Officer in this Province : *Provided always*, that it shall be in the discretion of the said Court to appoint such person as they may think fit to execute the Warrants or other Process issued by them.

Court may appoint person to execute process.

XXVI. *And be it further enacted by the authority aforesaid*, That the Judgments of the said Court, upon being approved by the Colonel or Officer commanding the Regiment or Battalion, shall be carried into effect, and the fines imposed by them shall be levied, upon a Warrant signed by the President of the Court, in the same manner as the judgments of the Justices of the Peace are carried into effect under the provisions of an Act passed in the fourth year of His late Majesty's reign, entitled, "An Act to provide for the Summary punishment of Petty Trespasses and other offences."

Judgments to be carried into effect in same manner as judgments under Summary Punishment Act, 4. W. 4. c. 4.

XXVII. *Provided always, and be it further enacted by the authority aforesaid*, That all Officers who may be appointed to compose any Court for the Trial of any offender or offenders under this Act shall before proceeding to the Trial of such offender or offenders take the following Oath : "I do sincerely promise and swear that in all such matters as shall be brought before me under the Militia Laws of this Province I will faithfully act according to the best of my judgment agreeably to the said Laws without favour or partiality to any person; so help me God;" which Oath may be administered by any one Member to the other Members of the said Court.

Officers composing the Court to be sworn;

Form of oath.

XXVIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant-Governor, if he thinks proper, when any complaint may be made against any Officer of the Militia, or when any application may be made to him to assemble a Militia General Court Martial according to the provisions of this Act, to appoint a Court of Inquiry consisting of at least three Officers of the Militia to examine into and report upon any such complaint.

Lieutenant-Governor may appoint Court of Inquiry to report on complaints against Officers.

XXIX. *And be it further enacted by the authority aforesaid*, That all monies arising from fines levied and collected under the provisions of this Act shall be paid by the person collecting the same into the hands of the Colonel or Officer commanding the Regiment or Battalion within which the same shall have been imposed, and shall be by him paid into the hands of Her Majesty's Receiver-General for the time being to and for the public uses of this Province, and that all expenses attending the sitting of any Court Martial authorised by this Act shall be paid from and out of the monies of this Province.

Application of fines levied under this Act.

Returns of persons
complained against, of
judgments and fines
levied, &c. to be made to
Adjutant-General.

XXX. *And be it further enacted by the authority aforesaid,* That twice in each year, that is to say, on the first day of March and on the first day of September, the Colonels or Officers in command of Regiments or Battalions in this Province shall make a return to the Adjutant-General of Militia of this Province of the number and names of persons complained against, the judgments of the Court, and the amount of fines levied.

Courts Martial in time of
peace for trial of Officers;

How constituted;

Appointment of Judge-
Advocate, oaths and form
of proceeding, to be the
same as during war;

Sentence to be approved
by Lieutenant-Governor.

XXXI. *And be it further enacted by the authority aforesaid,* That in time of peace and when any charge shall be made against any Officer of the Militia of this Province for disobedience of orders or any act of insubordination or misconduct as an Officer of the Militia, it shall and may be lawful for the Lieutenant-Governor in his discretion to assemble a Court Martial (the President of which shall be a Field Officer) to be composed of seven or more Officers belonging to one or more of the Regiments of Militia organised or embodied within the County or District to which the accused party belongs, to investigate the charges made against such Officer, and to examine witnesses on oath as well in support of as against such charge, and award such sentence as in their opinion may be just and reasonable and not inconsistent with or contradictory to the provisions of this Act: *Provided always,* that in the appointment of Judge-Advocate, the administration of oaths and forms of proceedings to be observed by the said Courts Martial, respect shall be had to the provisions hereinafter contained for the constitution and regulation of Courts Martial, in cases where the same shall be required during the period of actual service by any part of the Militia of this Province: *And provided also,* that such sentence shall before being carried into effect be approved of by the Lieutenant-Governor.

Fines upon Officers, how
to be levied and applied.

XXXII. *And be it further enacted by the authority aforesaid,* That in case any Officer of Militia shall be sentenced to the payment of a fine under the provisions of this Act and shall make default in the payment thereof, the same shall be levied by sale and distress of his effects under a Warrant to be signed by the President of the said Court Martial in the same manner as fines awarded against Non-Commissioned Officers and Private Militiamen are by this Act directed to be levied, and shall be appropriated and accounted for in the same manner as the said last mentioned fines are directed to be appropriated and accounted for.

Militia when embodied
subject to the provisions
of the Mutiny Act;

XXXIII. *And be it further enacted by the authority aforesaid,* That during the time any portion of the Militia of this Province shall be embodied for actual service under and by virtue of this Act, they and every of them as well Officers as Privates shall be liable and subject to all the rules, regulations, pains and penalties of any Act or Acts of the

British Parliament that are or may be in force for the punishment of Mutiny, Desertion or other crimes in the Army of Her Majesty the Queen, Her Heirs or Successors: *Provided nevertheless*, that no Officer, Non-Commissioned Officer or Private Militiaman shall be sentenced to the loss of life unless for desertion to the enemy, traitorous correspondence, or for traitorously delivering up to the enemy any Garrison, Fortress, Post or Guard, or Vessel either armed or employed in the service of Government, any thing herein contained, or any Statute Law or usage to the contrary notwithstanding: *Provided also*, that no Non-Commissioned Officer or Private of Militia shall be liable to the punishment of being flogged or of being sent to the Provincial Penitentiary by the sentence of any Court Martial.

Punishment of death restricted to certain crimes.

Militiamen not subject to punishment of flogging.

XXXIV. *And be it further enacted by the authority aforesaid*, That when the Militia of this Province shall be called out on actual service, in all cases where a General Court Martial shall be required the Lieutenant Governor upon application to him made through the Officer commanding the body of Militia to which the party accused may belong, or in case he be the accuser or accused then through the next senior Officer, shall issue his order to assemble a General Court Martial, which said Court Martial shall consist of a President who shall be a Field Officer and not less than eight other Commissioned Officers of the Militia: *Provided always*, that in all trials by General Courts Martial to be held by virtue of this Act the Lieutenant-Governor shall nominate and appoint the person who shall act as Judge-Advocate, and that every Member of the said Court Martial before any proceeding be had before the Court shall take the following Oath before the Judge-Advocate who is hereby authorised to administer the same, viz. :—"You A. B. do swear that you will administer Justice to the best of your understanding in the matter now before you according to the evidence and the Militia Laws now in force in this Province, without partiality, favour or affection, and you further swear that you will not divulge the sentence of the Court until it shall be approved by the Lieutenant-Governor, neither will you on any account at any time whatever disclose or discover the vote or opinion of any particular Member of the Court Martial unless required to give evidence thereof as a Witness by a Court of Justice in due course of Law; so help you God." And so soon as the said Oath shall have been administered to the respective Members, the President of the Court is hereby authorised and required to administer to the Judge-Advocate or the person officiating as such an Oath in the following words :—"You A. B. do swear that you will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular Member of the Court Martial unless required to give evidence thereof as a Witness by a Court of Justice in due course of

General Courts Martial during time of actual service;

How constituted;

Appointment of Judge-Advocate;

Oath by members of the Court;

Oath of Judge-Advocate;

Two-thirds of Court must concur; and sentence await Lieutenant-Governor's approbation.

Law ; so help you God." And the Judge-Advocate shall and is hereby authorised to administer to every person giving evidence before the said Court the following oath:—"The evidence you shall give to this Court Martial on the trial of A. B. shall be the truth, the whole truth and nothing but the truth ; so help you God :" *Provided always*, that the finding and judgment of every such Court Martial shall pass with the concurrence of two-thirds of the Members, and shall not be put in execution until the Lieutenant-Governor has approved thereof.

Officers commanding Districts, Garrisons, &c. may assemble Courts Martial in certain cases ;

Authority of Court ;

Constitution of the Court ;

Oath as prescribed by s. 27.

Period from which this clause to operate.

XXXV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any commanding Officer of a District, Garrison, Post, Regiment or Battalion, to direct a District, Garrison or Regimental Court Martial to assemble to try any Non-Commissioned Officer or Private of Militia called out and embodied for actual service charged with drunkenness, neglect of duty or disobedience of orders, and if such person so charged shall be convicted of the offence or offences alleged against him, it shall and may be lawful for the said Court to imprison him in the common Gaol of the District or in any other place of confinement (except the Provincial Penitentiary) for a period not exceeding two weeks and to reduce any Non-Commissioned Officer to the ranks: *Provided always*, that the said Court shall consist of a President who shall be a Captain and not less than three Commissioned Officers of the Militia, and who shall before proceeding to the trial of such offender take the oath prescribed by the twenty-seventh section of this Act: *And provided also*, that nothing herein contained shall be construed to interfere with or alter the provisions contained in the thirty-third section of this Act except in so far as in this clause is contained: *And provided also*, that the provisions in this clause shall be considered to have been in force from the first day of November next before the passing of this Act.

Militia may be called out in case of emergency without previous order of Lieutenant-Governor.

XXXVI. *And be it further enacted by the authority aforesaid*, That in cases of emergency by actual Invasion, Insurrection or otherwise when it may not be practicable to consult the Lieutenant-Governor, it shall and may be lawful for the senior Officer of Militia of any County or Riding not upon a Retired List or in a Reserved Battalion to call out and embody any number of the Militia he may judge necessary for actual service, and to report the same forthwith to the Lieutenant-Governor.

Lieutenant-Governor may issue orders for impressment of horses and teams for the service ; and for billeting troops, &c.

XXXVII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant-Governor from time to time, to issue orders and make regulations for the impressment and employment of Horses and Teams for the conveyance of Troops and Stores, or for the performance of any other service during the time the Militia of

this Province or any part thereof shall be called out for actual service, and in like manner to make orders and regulations for the billeting of Troops of the Line and Militia on actual service, not being repugnant to the Act passed in the forty-ninth year of the reign of His late Majesty King George the Third, entitled “An Act for quartering and billeting on certain occasions His Majesty’s Troops and the Militia of this Province,” and to authorise the Colonels or Lieutenant-Colonels of Militia, Magistrates or other persons to be by the Lieutenant-Governor appointed for that purpose to carry the said orders and regulations into effect.

XXXVIII. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to make void any Commission now held by any Officer of Militia in this Province, or to alter or change the organization of the different Regiments of Militia now existing in this Province until otherwise ordered and directed by the Lieutenant-Governor.

Commissions, &c. now existing not affected by this Act.

XXXIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act the following fees shall be paid upon Commissions issued by the Officers to whom such Commissions shall be issued:—Lieutenant-Colonels, one pound ten shillings; Majors, twenty shillings; Captains, twenty shillings; Lieutenants, fifteen shillings; Ensigns, ten shillings; Paymasters, fifteen shillings; Surgeons, fifteen shillings; Assistant Surgeons, ten shillings; Quarter-Masters, ten shillings, and Adjutant according to his rank.

Fees payable on Commissions.

XL. *And be it further enacted by the authority aforesaid,* That all Commissions to Officers of Militia shall be transmitted by the Adjutant-General of Militia to the Colonel or Officers commanding to be delivered to the respective Officers appointed to his Regiment or Battalion, and to whom the fees as well as the exemption money collected from the Quakers, Menonists, Tunkers and Aliens mentioned in this Act shall be paid, and by him shall be paid into the hands of the Receiver-General of this Province for the public uses of the same.

Commissions to be transmitted to Officers commanding;

By whom fees, &c. are to be received;

And paid to Receiver-General.

XLI. *And be it further enacted by the authority aforesaid,* That the Colonel or Officer commanding any Regiment or Battalion shall make a half yearly Return to the Adjutant-General of this Province of the fees by him received and paid into the hands of the Receiver-General as aforesaid.

Half-yearly returns of fees to be made.

XLII. *And be it further enacted by the authority aforesaid,* That no Officer of Militia shall Muster or be entitled to rank as an Officer should

Officers to obtain their Commissions within six months after being transmitted.

he fail to obtain possession of his Commission and pay the fees thereon within six months after the Commission shall have been transmitted as aforesaid.

Officers, Commissioned and Non-Commissioned, may be called out to drill once a month.

XLIII. *And be it further enacted by the authority aforesaid,* 'That the Colonel or Officer commanding any Regiment or Battalion shall have full power and authority, and he is hereby authorised to call out the Officers or Non-Commissioned Officers of his Regiment or Battalion for the purpose of drill or exercise one day in each month (if he shall deem it necessary), exclusive of the days appointed by this Act for the purpose of drill or exercise.

This Act to apply to Militia now embodied.

XLIV. *And be it further enacted by the authority aforesaid,* That the provisions of this Act shall apply to such Militia as are now embodied for actual service.

Penalty on persons selling, &c. Arms or Equipments;

Recoverable before two Justices; Imprisonment for default of payment;

Offender may be discharged on tender of penalty.

XLV. *And be it further enacted by the authority aforesaid,* That every person who shall sell, barter or pledge any part of the Arms or Equipments or shall tender them in pledge which may be delivered to him out of Her Majesty's Stores or who shall destroy the same, and every person who shall buy or barter, obtain or receive in pledge such Arms or Equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence on conviction thereof, by the Oath of any one credible Witness, before two Justices of the Peace residing within the County where the same has been committed; and in case the person so selling any part of his Arms or Equipments as aforesaid, or the person obtaining the same in manner aforesaid being thereof convicted as aforesaid shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said Justices by a Warrant under their hands and seals to commit such person to the Gaol of the County or District in which the offence shall be committed for any space of time not exceeding three months: *Provided always,* that it shall and may be lawful for the said Justices to discharge the person so offending any time before the expiration of the said three months, when the person so convicted as aforesaid shall tender to the said Justices the penalty inflicted by this Act.

False swearing under this Act perjury.

XLVI. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully swear falsely in any proceeding or matter with respect to which he shall have been sworn under and according to the provisions of this Act, every such person on being lawfully convicted thereof shall be deemed guilty of wilful and corrupt perjury, and shall suffer the like punishment as by law may now be inflicted on persons convicted of wilful and corrupt perjury.

XLVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor to appoint a Commodore who shall rank with Colonels of Militia, and also Captains and Lieutenants of a Provincial Navy, who shall rank with Majors and Captains of the Militia as senior of their respective rank, to be drilled to the exercise of heavy guns and the management of gun-boats in addition to their duties in the use of small arms as a Militia force.

Lieutenant-Governor may appoint a Commodore, and Officers of a Provincial Navy;

Their rank and duties.

XLVIII. *And be it further enacted by the authority aforesaid,* That there shall be attached to every Regiment of Militia a second or retired Battalion, to which Officers on becoming incapable of actual service by reason of old age, infirmity or otherwise, may be transferred on their own applications or by order of the Lieutenant-Governor, and that all Non-Commissioned Officers and Privates from the age of fifty to sixty years shall also be transferred to the retired Battalion.

Retired Battalions to be formed of persons incapable of actual service.

XLIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor of this Province, to sanction the formation of Volunteer Companies to serve as Provincial Marine and to be stationed at the different harbours along the coast, each of such Companies to consist of a Captain, a Lieutenant, an Ensign, and not less than fifty or more than one hundred men.

Volunteer Marine Companies may be formed.

L. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully interrupt or molest any Regiment, Battalion, Company or Detachment of Militia whilst on any duty prescribed by the laws of this Province, it shall be lawful for the Commanding Officer of such Regiment, Battalion, Company or Detachment, to confine such person for any time not exceeding three days.

Persons interrupting Militia on duty, may be confined by commanding Officer.

LI. *And be it further enacted by the authority aforesaid,* That except in time of actual service, the Judges of the Court of King's Bench, the Vice-Chancellor and Clergy, the Members of the Legislative and Executive Councils and their respective Officers, the Members of the House of Assembly for the time being and the Officers thereto belonging, Her Majesty's Attorney and Solicitor Generals, the Secretary of the Province, and all Civil Officers who shall have been or may hereafter be appointed to any Civil Office in this Province under the Great Seal of the same, as well as all Magistrates, Coroners, Sheriffs and half-pay and retired Officers, Militia Officers having served by virtue of any Militia commission in any part of Her Majesty's dominions who may not have been removed for any offence as an Officer of Militia or who may have obtained leave

Persons generally exempt from Militia service;

Exemption not disable the parties from holding Commissions;

Lieutenant-Governor may grant special exemption.

to resign his commission, the Surveyor-General and his Deputies duly appointed and actually engaged in public service, Deputy Post Masters and Mail Carriers, Sea-faring men actually employed in the line of their calling, Physicians, Surgeons, the Masters of public or common schools, Ferry-men, and one Miller to each run of stones in every grist-mill, the keepers of public toll-gates, lock-masters and labourers employed in attending locks or bridges on the Rideau, Welland and other public Canals, shall be and are hereby excused from serving in the said Militia: *Provided always*, that this Act and the exceptions herein contained shall not prevent, and it is hereby declared that the same shall not be construed to prevent any or every of the above-mentioned persons from holding commissions as Officers in the Militia of this Province: *Provided always*, that it shall and may be lawful for the Lieutenant-Governor of this Province by Warrant under his hand and seal, to exempt any of the persons hereinbefore enumerated or any other person in his discretion from being called out in the service aforesaid.

Quakers, Menonists and Tunkers exempted;

On producing certificates;

And reporting their names and residences annually, and paying at the time 20s.;

And in time of actual Invasion or Rebellion £10;

Duty of commanding Officer in default of such returns and payments.

LII. *And be it further enacted by the authority aforesaid*, That the persons called Quakers, Menonists and Tunkers, who from certain scruples of conscience decline bearing arms shall not be compelled to serve in the said Militia, but every person professing that he is one of the people called Quakers, Menonists and Tunkers, and producing a certificate of his being a Quaker, Menonist or Tunker, or being the son of a Quaker, Menonist or Tunker, brought up and educated in the principles of the Quakers, Menonists or Tunkers, and under the age of twenty-one years, signed by the Clerk of the meeting of such Society or by three or more of the people called Quakers, Menonists or Tunkers, shall be excused and exempted from serving in the said Militia: *Provided nevertheless*, that every such person who may be so excused as aforesaid shall on or before the fourth day of June in every year give in his name and place of residence to the Colonel or Officer commanding the Regiment within the limits of which he may reside, and pay at the same time to the said Colonel or Officer commanding the sum of twenty shillings currency, and in time of actual Invasion, Insurrection or Rebellion, when any portion of the Militia are called upon for actual service the sum of ten pounds, and in default of such return and payment as aforesaid, such Colonel or Officer commanding shall be required immediately to complain of such neglect or refusal and to summon and try the party so offending, and to decide and determine upon every such case by a Regimental Court in the same manner and form as is provided for the trial of other offenders against this Act.

LIII. *And be it further enacted by the authority aforesaid,* That all persons not natural-born subjects of Her Majesty, or not subjects of Her Majesty naturalized by an Act of the British Parliament, or who have not become such by an Act of the Parliament of this Province, or who have not taken the oath of allegiance and having been resident in this Province for the period of one year, shall on or before the fourth day of June in every year give in his name and place of residence to the Colonel or Officer commanding the Regiment within the limits of which he may reside, and pay at the same time to the said Colonel or Officer commanding the sum of ten shillings, and in default of such return and payment as aforesaid such Colonel or Officer commanding shall be required immediately to complain of such neglect and refusal, and to summon and try the party so offending by a Regimental Court Martial, and upon conviction before the said Court such offender shall forfeit and pay the sum of ten shillings besides the costs and charges of conviction, to be levied in the manner pointed out in the nineteenth section of this Act; and if it shall become a question on any trial whether such person is a natural-born subject of Her Majesty, or a subject of Her Majesty naturalized by an Act of the British Parliament or become such by an Act of the Parliament of this Province, or whether he has taken the oath of allegiance, it shall be incumbent on him to prove the fact.

Aliens who are not required to enrol themselves to report their names and residences annually to the Officer commanding within the limit, and pay at the same time 10s.;

Duty of Officer in default of such return and payment;

Proof of allegiance, &c. lies on party accused.

LIV. *And be it further enacted by the authority aforesaid,* That when the Lieutenant-Governor shall call out any portion of the Militia of this Province in a time of actual war with a Foreign Power to put down or suppress Rebellion, to repel Invasion or for any purpose connected with the preservation of the public peace, the Officer commanding the Regiment out of which they may be so-called may cause the number appointed to serve out of his Regiment, to be chosen by Ballot in the following manner:—The names of all persons liable to serve as Militiamen within the division of his Regiment shall be written upon slips of white paper and folded up and put into a box or glass, out of which the number required to serve shall be drawn by the Adjutant of the Regiment in the presence of at least three Captains of the Regiment: *Provided always,* that nothing herein contained shall be construed to prevent the Lieutenant Governor from calling out the Militia or any portion of them for the purposes aforesaid, without resorting to the Ballot.

Where part only of Militia required for actual service, they may be selected by Ballot;

Manner of Balloting.

LV. *And be it further enacted by the authority aforesaid,* That after any Ballot shall take place for the purposes aforesaid, the Officer commanding the Regiment shall appoint a meeting within three weeks and issue an order to the Adjutant to direct a notice to be given to every man

Notice of meeting after selection by Ballot.

so chosen, by giving or leaving the same at his place of abode three days previously, to appear at such meeting.

Limitation of actions;

General issue may be pleaded.

LVI. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within three calendar months next after the fact committed; and the defendant in such action or suit shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to be done so, or if any action shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

Lieutenant-Governor may appoint Adjutant-General with rank of Colonel.

LVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor to appoint a proper person to be Adjutant-General of the Militia of this Province, who shall have the rank of Colonel and do all matters and things appertaining to the said Office of Adjutant-General.

Persons, having been Serjeants in the regular service, when not liable to serve in inferior stations.

LVIII. *And be it further enacted by the authority aforesaid,* That no person who shall have been discharged from Her Majesty's service as a Serjeant shall be obliged to serve in any inferior station in the Militia of this Province, unless having been such Non-Commissioned Officer in the said Militia he may have been reduced according to law.

Officers not liable to serve as Constables.

LIX. *And be it further enacted by the authority aforesaid,* That every Officer or Non-Commissioned Officer of Militia duly appointed, shall be exempt from serving as Constable for any period during such time as he shall hold such appointment.

Persons dismissed Her Majesty's service not eligible to hold Commissions in Militia.

LX. *And be it further enacted by the authority aforesaid,* That any person who shall have been dismissed from Her Majesty's Army by sentence of a General Court Martial or otherwise, shall not be allowed to hold a commission in the Militia of this Province.

Proceedings commenced under 1. Vict. c. 8. not made void by the repeal of that Act.

LXI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to make void or in any wise affect any proceedings heretofore commenced and prosecuted under the said Act of the first Victoria, Chapter eight, hereinbefore recited or referred to and intended to be hereby repealed, except

that it shall be lawful for the Lieutenant-Governor to reduce, mitigate or remit any fine or penalty heretofore adjudged against any person or persons for any offence against the said last mentioned Act.

CHAP. X.

AN ACT to provide for the advancement of Education in this Province.

[Passed 11th May, 1839.]

WHEREAS it is very desirable to afford every encouragement to the advancement of Education throughout the Province: *And whereas* His late most Gracious Majesty George the Third was pleased to direct, that a quantity of the Waste Lands of the Crown should be set apart for the endowment of Grammar Schools and also of a University: *And whereas* a Royal Charter has been granted incorporating the University of King's College which has been endowed by a grant of Lands from the Crown: *And whereas* Upper Canada College has by an Act of the Legislature been incorporated with and now forms an appendage to such University: *And whereas* the advancement of Education will be better promoted by devoting a portion of the annual Revenues of King's College to the support of Upper Canada College and of Grammar Schools for several years to come, than by the erection of a University in the present state of Education in the Province: *And whereas* Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a Provincial seat of learning until it should be deemed requisite to erect the University: *And whereas* it is expedient to appoint Trustees for each Grammar School in the several Districts to superintend the Schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the several District Schools in this Province shall be and are hereby declared to be Grammar Schools, as contemplated by His late most Gracious Majesty

Preamble.

District Schools declared to be Grammar Schools with a view to the endowment of Geo. III.

King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

Board of Trustees to each Grammar School;
Their authority and duty. II. *And be it further enacted by the authority aforesaid,* That there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every Grammar School in the several Districts of this Province consisting of not less than five members, three of whom shall be a quorum, who shall have the superintendence of the Grammar Schools established in the several Districts of this Province, and receive the money authorised to be paid under this Act.

Proceeds of School Lands to be invested for the purposes of this Act;
To be administered by the Council of King's College. III. *And be it further enacted by the authority aforesaid,* That the money now remaining in the Receiver-General's hands unexpended arising from the sales of School Lands, or which may come into his hands applicable to the purposes of this Act, shall be invested in the Debentures of this Province at six per cent. interest, and the proceeds placed under the control of the Council of King's College for the purposes of this Act, to be by the said Council distributed amongst such Districts as in their opinion more immediately require assistance, owing to the state of the School House or other circumstances.

Appropriation of Waste Lands in aid of Grammar Schools. IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor by and with the advice of the Executive Council, to set apart two hundred and fifty thousand acres of the Waste Lands of the Crown in this Province, to be sold in like manner as other Crown Lands, at a price not less than ten Shillings per acre, and the proceeds thereof paid into the hands of the Receiver-General from time to time, to be appropriated in such manner and for the Grammar Schools as hereinbefore provided.

£100 per annum to be advanced to each Board of Trustees;
Council of King's College empowered to supply further funds;
But not out of the principal money of the College. V. *And be it further enacted by the authority aforesaid,* That a sum not exceeding One Hundred Pounds per annum may be advanced to each of the said Boards of Trustees from time to time, out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, and should such monies be insufficient, it shall and may be lawful for the Council of King's College in their discretion, to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency, to be applied in providing an additional Master and other means of instruction for the Grammar Schools in each District respectively: *Provided always,* that no portion of the principal money arising from the sale of Lands granted to King's College shall be so appropriated, but merely the interest or rents thereof.

VI. *Provided also, and be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Council of King's College first to appropriate a proportion of the revenues thereof, not exceeding one half, to the support, extension and maintenance, of Upper Canada College, until it shall be deemed necessary to erect the University.

Proportion of revenues of King's College to be first appropriated to Upper Canada College.

VII. *And be it further enacted by the authority aforesaid;* That it shall and may be lawful for the Board of Trustees in any District now constituted or hereafter to be constituted, to receive out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, a sum not exceeding Two Hundred Pounds, to aid in the erection of a suitable building for a School House in each District; *Provided* an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall ensure the permanent insurance of such building.

Grant of £200 for erection of School House in each District;

Provided an equal sum be raised among the inhabitants.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant-Governor to authorise a sum not exceeding One Hundred Pounds per annum for each School to be paid to any Board of Trustees, for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town or Village in which the Inhabitants shall provide a suitable School House, at which not less than Sixty Scholars shall be educated; *Provided* any such additional School shall not be within six miles of the District Town: *And provided always,* that nothing herein contained shall prevent the Council of King's College from extending the aid to four Grammar Schools, (including the said two) other than the one established in the District Town, should the said Council deem it expedient.

Grant in aid of two Schools in each District other than the Grammar School in the District Town;

Council of King's College empowered to extend its aid to four additional Grammar Schools in each District.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Council of King's College to make such rules, regulations and by-laws, for the conduct and good government of the several Schools established under this Act, as to such Council shall seem proper.

Council of King's College to frame rules for government of Grammar Schools.

X. *And be it further enacted by the authority aforesaid,* That an account in detail of the sums received and expended under the provisions of this Act shall be rendered to the Lieutenant-Governor annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each Session.

Accounts to be annually rendered to Lieutenant Governor.

CHAP. XI.

AN ACT to authorise the erection of an Asylum within this Province, for the reception of Insane and Lunatic persons.

[Passed 11th May, 1839.]

Preamble.

Asylum for Lunatics to be erected.

WHEREAS the establishment of an Asylum in this Province for the reception of Insane persons has become necessary, and it is therefore expedient to authorise His Excellency the Lieutenant-Governor to appoint Commissioners for superintending the erection of a suitable building to be appropriated for the purpose aforesaid, and to provide for the appointment of Officers for the government thereof, and to frame regulations for the management of the said Asylum, and to authorise the Court of Quarter Sessions in each District in the Province to levy an additional assessment of one-eighth of a penny in the pound, to be annually appropriated to the erection of the said Asylum, and in the purchasing of land sufficient for a site, and maintaining and supporting the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Asylum for the reception of Insane and Lunatic persons shall be erected on such plot of ground as shall be appropriated by the Lieutenant-Governor, or purchased by Commissioners appointed under the authority of this Act for the purpose.

Commissioners to be appointed to superintend the erection, &c.

II. *And be it further enacted by the authority aforesaid,* That His Excellency the Lieutenant-Governor shall be and is hereby authorised to appoint Commissioners, of whom one shall be an experienced Medical Practitioner, for superintending the erection of said building, with full power and authority to employ a skilful Architect to procure plans and elevations, and to adopt such plan as to them may seem best suited for the purpose intended.

Lieutenant-Governor to appoint Board of twelve Directors;

III. *And be it further enacted by the authority aforesaid,* That so soon as the said building shall be reported to the Lieutenant-Governor by the

said Commissioners as sufficiently completed and furnished for the reception of patients, it shall and may be lawful for the Lieutenant-Governor to appoint to such Institution a Board of Directors, to consist of not less than twelve persons resident within the Province; and it shall be the duty of the said Board, or of any two Members thereof, at least once in each month to visit the said Institution to inspect the same, and annually on the first Tuesday in November, after the passing of this Act, to make a Report of the state thereof and of the patients therein, and the times of their admission or discharge, to the Lieutenant-Governor, for the information of the Legislature.

Two Directors to visit the Institution once a month at least;

And make annual Reports to the Lieutenant Governor.

IV. *And be it further enacted by the authority aforesaid,* That the said Board of Directors to be appointed as aforesaid, shall have power to make such prudential rules and regulations for the internal arrangement and management of the said Institution, as to them may seem fit and proper; and may change, alter, annul, or renew the same from time to time as occasion may require; and the said Board of Directors shall appoint a Superintendant, who shall always reside at the Asylum, and whose duty it shall be to act as Physician to the said Establishment, and to watch over the internal management thereof, and carry into effect in so far as appertains to his Office the provisions of this Act and the By-Laws of the said Institution; and the said Board shall have the appointment of all other Officers and Servants to the said Institution, and have power to remove them at pleasure, and appoint others and fix the amount of their salaries, subject to the confirmation or disallowance of the Lieutenant-Governor; provided that the salary of the said Superintendant shall not exceed the sum of three hundred pounds per annum.

Authority of Directors to make rules and regulations for government of the Institution;

Medical Superintendant to reside at the Asylum;

His duties;

Board to appoint other Officers and servants;

Salaries subject to control of Lieutenant-Governor;

Salary of Superintendant £300.

V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Board to meet at least once in each month, and oftener if they shall see occasion, in some convenient room at the Institution to be selected by them for holding the meetings of the said Board; and a minute of all such business as shall be transacted at any such meeting shall be recorded in a book to be kept for that purpose at the said meeting-room, and to be on no account removed therefrom, except by the special order or consent of the Board, and at any such meeting a plurality of votes shall be binding and conclusive upon any matter before the Board: *Provided always,* that there shall be at least three Directors present at such meetings; who shall for the purposes of this Act constitute a quorum for the despatch of business; and in case of an equality of votes at any such meeting, the Chairman shall have a casting vote.

Board to meet once a month at the Institution;

Minutes of their proceedings to be kept;

Majority of votes binding upon the Board;

Three Directors necessary to form a quorum;

Chairman's casting vote in case of equality.

Rules relative to reception
of a Lunatic into the
Asylum;

Penalty upon Officer ad-
mitting an alleged Lunatic
contrary to such rules;

Recovery and application
of penalty;

Proof of compliance with
rules laid upon defendant.

VI. *And be it further enacted by the authority aforesaid,* That any Insane or Lunatic person or persons, being Subject or Subjects of Her Majesty, and a resident of this Province, may be received into the said Asylum, upon proof to the satisfaction of the said Board of Directors, or any one Member thereof in case the Board shall not be then sitting, of the said person being such Subject and resident as aforesaid, and upon the production of a certificate signed by at least three resident practising Physicians in this Province, that such person has been examined by them collectively, and that he is Insane or a Lunatic; and in case the Superintendent of the said Asylum, or any officer or servant belonging thereto, shall admit any person into the said Institution charged with Insanity or Lunacy, without first requiring and receiving such certificate, together with an order from the Board signed by at least one Member thereof, he or they so offending shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered by action of debt in any of Her Majesty's Courts of Record in this Province, by any person or persons who shall sue in his, her, or their name or names, and one moiety of such penalty when recovered shall go to the use of the said Institution, and the other moiety to the party or parties who shall sue for the same; and the onus of proving that such order and certificate were duly given, shall be upon the Defendant or Defendants.

Board to establish rates at
which patients may be
supported in the Asylum;

Payments quarterly in
advance, and security to
be given to Treasurer.

VII. *And be it further enacted by the authority aforesaid,* That the said Board shall establish the sum per diem to be paid by the person or persons so admitted into the said Asylum, towards defraying the expense incurred for the maintenance, attendance and support, of such person or persons; which sum shall be paid quarterly in advance, and security shall be given by bond to the Treasurer of the said Institution, for the future payments according to the terms of the Establishment.

Admission of pauper
Lunatics.

VIII. *And be it further enacted by the authority aforesaid,* That so often as application shall be made to the said Board for admission into the Asylum of any destitute Insane or Lunatic person, the said Board may admit such person to the benefit and advantages of such Institution, upon proof to their satisfaction, or if not then sitting to the satisfaction of any one Member of the said Board, of such person being an inhabitant of this Province, and a Subject of Her Majesty, and without the means of paying the expenses to be incurred for his maintenance and support.

Expenses of removing
destitute Insane persons
to be paid by the several
Districts.

IX. *And be it further enacted by the authority aforesaid,* That the expenses that may be incurred in removing such destitute Insane or Lunatic person, from his usual place of abode, shall be borne by the

District in which such person was last resident, and shall be ascertained and paid as the other ordinary or incidental expenses of the District, and upon the recovery of the person so admitted, such District shall also bear the expense of his removal from the said Asylum to the place from whence such person was brought.

X. *And be it further enacted by the authority aforesaid,* That if any Insane or Lunatic person upon or at any time after his admission into the said Asylum, shall possess or become possessed of or entitled to any goods or chattels, lands or tenements, or any estate or property whereby or by which the expenses to be incurred for his maintenance and support in the said Asylum can be raised, and shall have no relatives or guardians or protectors, willing or capable of the care or management of the same, for the benefit of the said Insane or Lunatic person, and of giving the necessary security to the Institution for the payments as required by this Act, then and in such case it shall be lawful for Her Majesty's Court of King's Bench in this Province, upon the application of the next of kin or nearest friend of such Insane or Lunatic person, and upon sufficient proof being adduced to the satisfaction of the said Court in Term time, to appoint one or more persons, in the discretion of the said Court, to be a Committee of the person and property of the said Lunatic or Insane person; and the Committee so to be appointed of the said Lunatic or Insane person shall, during the continuance of his Insanity or Lunacy, and until a supersedeas of his or their authority shall have been issued by the said Court, have full power over and be competent to manage and appropriate, recover, lease, mortgage, sell or convey, all or any part of the real or personal estate, chattels and credits, of the said Insane or Lunatic person, in the name of such Insane or Lunatic person, or as his Committee, and as fully and effectually to all intents and purposes, as such Insane or Lunatic person could or might have done the same in a sound disposing mind; and such Committee shall obey the order and direction of the said Court to be from time to time made in the matter and affairs of such Lunatic or Insane person.

Where Lunatic becomes entitled to property, the Court of Queen's Bench empowered to appoint Committee for management of his estate, &c.:

Authority of such Committee.

XI. *And be it further enacted by the authority aforesaid,* That the Accounts of the said Institution shall be made up and ascertained by the Superintendant quarterly: on the first Tuesday in January, April, July and October, in each year, and be audited by the Board, and a true copy thereof transmitted by the said Board, as soon as may be after the first Tuesday in November in each year, to the Lieutenant-Governor, to be laid before the Legislature; which copy of said accounts shall specify the amount of salary paid to the different officers and servants of the Institution, and also the ordinary and incidental expenses incurred in carrying

Quarterly accounts of the Institution to be made by the Superintendant:

Salaries, &c. to be specified in such accounts.

on its operations; also the sums received or due for the support or maintenance of the persons admitted, (if any there be) who have means for the payment thereof.

Vacancies among Directors may be supplied by Lieutenant-Governor.

XII. *And be it further enacted by the authority aforesaid,* That whenever any vacancy shall occur among the Members of the said Board, by death, resignation or departure from the Province or otherwise, it shall be lawful for the Lieutenant-Governor to fill such vacancies, by the appointment of other fit and proper persons, as often as need shall require.

Justices empowered to make assessment for the purposes of this Act.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Justices of the Peace of each and every District of this Province, at their General Court of Quarter Sessions next holden after the passing of this Act, to levy by assessment, to be made on each and every inhabitant householder within their said several Districts, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose within the same, an additional rate or assessment of one-eighth of a penny in the pound, which additional rate of assessment of one-eighth of a penny in the pound, after deducting the expenses allowed by law for levying and collecting the same, shall be paid by the several District Treasurers into the hands of Her Majesty's Receiver-General of this Province, for the purposes of this Act.

Warrants to Commissioners for expenses of erecting the Asylum, &c.

XIV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Lieutenant-Governor to issue his Warrant or Warrants on the Receiver-General of the Province, in favour of the Commissioners appointed under the authority of this Act for the amount paid into his hands as aforesaid, to be by them expended in the erection of a Provincial Asylum, and in paying for the land requisite as a site for such building.

Collection and levying of rates authorised by this Act.

XV. *And be it further enacted by the authority aforesaid,* That the assessment of one-eighth of a penny in the pound additional, authorised by this Act to be levied on all ratable property in the several Districts, shall be levied and collected annually in each and every year, (with the exception of the first assessment, to be levied as directed by the thirteenth clause of this Act,) at such times and in the same manner as other rates are now by law levied and collected.

CHAP. XII.

AN ACT to amend an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act for the preservation of Deer within this Province," and to extend the provisions of the same; and to prohibit Hunting and Shooting on the Lord's Day.

[Passed 11th May, 1839.]

WHEREAS it is expedient to amend and extend the provisions of an Act passed in the second year of the reign of His late Majesty King George the Third, entitled, "An Act for the preservation of Deer within this Province," and to prevent the practice of Hunting and Shooting on the Sabbath: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That no person or persons shall, within this Province, after the first day of February in every year, hereafter kill in any manner whatever, any Deer *feræ naturæ*, until the first day of August.

Preamble.

Prohibits killing wild Deer after 1st February and before 1st August.

II. *And be it further enacted by the authority aforesaid,* That if any person shall hunt, shoot, kill or destroy, any Deer or Fawn, between the first day of February and the first day of August; or any Wild Turkey, Prairie-Hen or Grouse; or any Grouse, commonly called Pheasant or Partridge; or any Quail or Wook-Cock, between the first day of March and the first day of September in every year; or shall hunt or shoot, or go out with a gun in quest or pursuit of any Deer, or other Wild Animal or Wild Fowl on the Lord's Day, (commonly called Sunday) within this Province, any such person being convicted thereof before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, (which oath or affirmation the Justice is hereby authorized to administer) or upon view had of the offence by the said Justice himself, shall pay a fine or penalty not exceeding Five Pounds, nor less than One Pound current money of this Province, together with the costs and charges attending the conviction.

Prohibits killing of Deer or Fawn between 1st February and 1st August;

Wild Turkey, Prairie Hen, Grouse, Pheasant or Partridge, Quail or Wook-Cock, between 1st March and 1st September;

Hunting and shooting on Sundays prohibited, and offenders made liable to punishment.

Mode of proceeding
against persons offending
against this Act.

III. *And be it further enacted by the authority aforesaid,* That when any person shall be charged, in writing, before any Justice of the Peace with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such summons, and if such person shall fail or neglect to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house or usual place of abode, or by reading the same over to him personally,) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person and bringing him before himself or some other Justice of the Peace within the same District, and the Justice before whom the person charged shall appear, or be brought, shall proceed to hear and determine the case.

Form of conviction;

IV. *And be it further enacted by the authority aforesaid,* That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form, or in any other form of words to the same effect as the case shall require, that is to say:—"Be it rembered, that on the — day of —, in the year of our Lord —, at —, in the County of —, (or District, Riding or Division, as the case may be,) A. B. of —, is convicted before me C. D. one of Her Majesty's Justices of the Peace for the said County, (or District, or Riding, or Division, as the case may be,) for that he the said A. B. did (specify the offence, and the time and place when and where the same was committed as the case may be); and I, the said C. D. adjudged the said A. B. for his offence to pay immediately, or on or before the — day of —, the sum of —, and also the sum of — for costs; and in default of payment of the said sums respectively, to be imprisoned in the County Gaol of the said County, (or District, or Riding, or Division, as the case may be,) for the space of —, unless the said sums shall be sooner paid: and I direct that the said sum of — pounds (the penalty) shall be paid to the Township Clerk of the Township wherein the fine may be imposed, to be by him applied according to the provisions of this Act. Given under my hand and seal, the day and year first above-mentioned. C. D."

[L. S.]

Conviction not to be
quashed for want of form.

V. *And be it further enacted by the authority aforesaid,* That a conviction under this Act shall not be quashed for want of form; nor shall any warrant of commitment be held void by reason of any defect therein, provided it be alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

VI. *And be it further enacted by the authority aforesaid,* That in default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for the payment thereof at the time of conviction by the Justice of the Peace before whom such conviction may have taken place, it shall and may be lawful for such Justice of the Peace (if he deems it expedient to do so) to issue his warrant, directed to any Constable, to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed, and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the common Gaol of the District wherein the offence was committed, for any term not exceeding one calendar month, unless the fine and costs shall be sooner paid.

Proceedings against offender in case of non-payment of fine.

VII. *And be it further enacted by the authority aforesaid,* That the prosecution for every offence punishable under this Act, shall be commenced within one calendar month after the commission of the offence, and not otherwise; and the evidence of any Inhabitant of the County, District, Riding or Division, in which the offence shall have been committed, shall be admitted and receivable, notwithstanding the penalty incurred by the offence may be payable for the benefit of the Township or Division where the offence shall have been committed.

Prosecution of offenders to be instituted in one month;

Persons residing in place where penalty is appropriated, competent Witnesses.

VIII. *And be it further enacted by the authority aforesaid,* That any person who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the next Court of General Quarter Sessions which shall be holden not less than twelve days after the day of such conviction or decision, and if holden in less than twelve days, then to the next ensuing Court of General Quarter Sessions for the District wherein the cause of complaint shall have arisen: *Provided* that such person shall give to the other party a notice in writing of such appeal, and of the cause and matter thereof within three days after such conviction or decision, and seven days at least before the Sessions, and shall also either remain in custody until the Sessions, or enter into recognizance with two sufficient sureties before a Justice of the Peace, conditioned, personally to appear at the Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance entered into, shall liberate such person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished

Appeal against decision of Justices to Quarter Sessions, upon notice and Recognizance being entered into, &c.

Costs in affirmance of Judgment.

according to the conviction, and to pay such costs as shall be awarded, and shall if necessary issue process for enforcing such judgment.

Record of conviction by
Justices to be transmitted
to Quarter Sessions.

IX. *And be it further enacted by the authority aforesaid,* That every Justice of the Peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions which shall be holden for the District wherein the offence shall have been committed, there to be kept by the proper Officer among the records of the Court.

Protection to persons
prosecuted for any thing
done by them in pursu-
ance of this Act.

X. *And for the protection of persons acting in the execution of this Act, Be it further enacted by the authority aforesaid,* That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District where the fact was committed, and shall be commenced within six calendar months after the fact committed and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant one calendar month at least before the action; and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no Plaintiff shall recover in such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, the Defendant shall recover his full costs as between Attorney and Client, and have the like remedy for the same as any Defendant hath by Law in other cases; and though a verdict shall be given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge before whom the trial shall be had shall certify his approbation of the action, and of the verdict obtained thereupon.

Appropriation of
penalties.

XI. *And be it further enacted by the authority aforesaid,* That all sums of money and penalties to be awarded and imposed by virtue of this Act, shall be paid to the Township Clerk of the Township or place wherein the offence was committed, and shall be by such Township Clerk paid over to the Path Master or Street Surveyor of the Division in which the offence shall have been committed or the fine levied, in aid of any commutation money to be expended for roads, or in aid of any Statute-labour to be performed within such Division.

XII. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed ^{Indians not included in this Act.} to extend, to any Indians now or hereafter to be resident within the limits of this Province.

XIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for and during the term of four years, ^{Limitation of Act, four years, &c.} and from thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP. XIII.

AN ACT to continue in force, for a limited period, the Laws authorising the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations.

[Passed 11th May, 1839.]

WHEREAS it is expedient under existing circumstances to amend ^{Preamble.} and continue, for a limited time, the provisions of an Act passed in the seventh and eighth years of William the Fourth, entitled "An Act to ^{7 & 8, W. 4, c. 2;} authorise the Chartered Banks in this Province, to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein mentioned," and also an Act amending the same, passed in the first year of Her Majesty's reign, entitled "An Act to ^{And 1st Victoria, c. 22;} repeal and amend part of an Act passed in the last Session, entitled 'An Act to authorise the Chartered Banks in this Province to suspend the redemption of their Notes in Specie, under certain regulations, for a limited time, and for other purposes therein mentioned': *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the provisions of the said recited Acts shall ^{Continued until 1st Novr. 1839.} be and remain in force till the first day of November next.

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Bank Directors not to declare any Dividend, during suspension of specie payments.

II. *And be it further enacted by the authority aforesaid,* That during the time which any Chartered Bank may suspend the redemption of its Notes in Specie under the provisions of this Act, it shall not be lawful for the Directors of such Bank to declare or divide any dividend among the Stockholders.

Lieutenant Governor may sanction further suspension.

III. *And be it further enacted by the authority aforesaid,* That notwithstanding the provisions of the first clause of this Act, His Excellency the Lieutenant-Governor in Council, shall upon any great emergency authorise such Banks to suspend for such further period, and under such restrictions, as he may think proper.

CHAP. XIV.

AN ACT to extend and continue, for a limited period, the provisions of an Act passed in the first year of Her Majesty's reign, entitled "An Act to provide for the disposal of the Public Lands in this Province."

[Passed 11th May, 1839.]

Preamble.

WHEREAS under and by virtue of the provisions of the Act passed in the first year of Her Majesty's reign, for the disposal of the Public Lands, it is impossible to procure the Registry of any Assignment from a person entitled to a free grant of Land, in case the Witness or Witnesses is or are dead, or shall or may leave the Province: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in all cases wherein the Witness or Witnesses to any Assignment as aforesaid, is or are dead, or shall or may leave the Province, proof of the hand-writing of such Witness or Witnesses, sworn before any Justice of the Peace in and for any District of this Province, shall be taken and deemed to be sufficient evidence of the execution of any such Assignment.

In what cases hand-writing of witnesses to assignments may be proved.

II. *And be it further enacted by the authority aforesaid,* That the twenty-eighth clause of the said Act, passed in the first year of Her Ma-

jeasty's reign, limiting the same to two years, be and the same is hereby repealed, and that the said Act shall be continued for five years from the passing of this Act. Act for disposal of public lands continued for five years.

CHAP. XV.

AN ACT for the protection of the Lands of the Crown in this Province, from Trespass and Injury.

[Passed 11th May, 1839.]

WHEREAS the Lands appropriated for the residence of certain Indian Tribes in this Province, as well as the unsurveyed Lands, and Lands of the Crown ungranted and not under location, or sold or held by virtue of any lease or license of occupation, have from time to time been taken possession of by persons having no lawful right or authority so to do: Preamble. *And whereas* the said Lands have also been from time to time unlawfully entered upon, and the timber, trees, stone and soil, removed therefrom, and other injuries have been committed thereon: *And whereas* it is necessary to provide by law for the summary removal of persons unlawfully occupying the said Lands, as also to protect the same from future trespass and injury: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall, and may be lawful for the Lieutenant-Governor of the Province from time to time, as he shall deem necessary, to appoint two or more Commissioners under the Great Seal of this Province, to receive information, and to inquire into any complaint that may be made to them or any one of them, against any person for illegally possessing himself of any of the aforesaid Lands, for the cession of which to Her Majesty no agreement hath been made with the Tribes occupying the same, and who may claim title thereto; and also to inquire into any complaint that may be made to them or any one of them against any person for having unlawfully cut down or removed any timber, trees, stone or soil, on such Lands, or for having done any other wilful and unlawful injury thereon. Commissioners may be appointed to inquire concerning trespasses committed upon Indian Lands, &c.

II. And be it further enacted by the authority aforesaid, That if such Commissioners, on finding illegal possession; To give notice to intruder to remove within 30 days; On neglecting to remove, warrant of ejectment may be directed to, and executed by the Sheriff.

Commissioners or any one of them shall upon investigation of any complaint made as aforesaid, against any person for being unlawfully in possession of any of the Lands hereinbefore mentioned, find and determine that such person is unlawfully in possession of such Lands, it shall be lawful for the said Commissioners, or any one of them, to give notice to and require such person to remove from the occupation of such Lands, within not less than thirty days from the day of the service of such notice, and if the person so required to remove from the occupation of such Lands shall neglect to remove from the same within the time specified in the said notice, it shall be lawful for the said Commissioners, or any one of them, to issue a Warrant under their hands and seals, or the hand and seal of any one of them, directed to the Sheriff of the District wherein such Lands are situate, commanding him to eject and remove the person in such Warrant mentioned from the Lands so unlawfully occupied by him, which Warrant the Sheriff to whom the same is directed shall have full power and authority to execute, and shall execute and carry into effect, in the same manner as by law he is authorised to execute and carry into effect, Writs issued by Her Majesty's Courts of Law for restoring and delivering possession of Lands recovered in any action of trespass in this Province.

III. And be it further enacted by the authority aforesaid, That if any person who shall have been removed from the Lands and Tenements aforesaid, in manner hereinbefore mentioned, shall return and unlawfully resume the occupation thereof, or any part thereof, it shall be lawful for the said Commissioners, or any one of them, upon complaint made and satisfactory proof being adduced, that such person has returned and unlawfully resumed the occupation of the Lands and Tenements from which he had been removed as aforesaid, to order and direct that he be committed to the Common Gaol of the District in which such Lands are situate, for a term not exceeding thirty days, and that he pay a fine to Her Majesty, Her Heirs and Successors, not exceeding Twenty Pounds.

IV. And be it further enacted by the authority aforesaid, That if any such Commissioners, or any one of them, shall upon investigation of any complaint made as aforesaid, against any person for having unlawfully cut down or removed any timber or trees, or for having quarried upon, or removed any stone or other materials from the Lands aforesaid, find the person charged with such offence guilty thereof, it shall be lawful for such Commissioners, or any one of them, to order and direct that he pay a fine to Her Majesty, not exceeding Twenty Pounds, and in default of

Penalty for resuming possession after having been removed by virtue of this Act.

Penalty not exceeding £20, for unlawfully cutting and removing trees, quarrying, &c.;

Imprisonment for default of payment.

paying the same, that he be committed to the Common Gaol of the District, for a period not exceeding three months.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners aforesaid, or any one of them, to order and direct that all timber and trees unlawfully cut down, or any stone quarried upon the Lands aforesaid, and which have not been removed from off the same, be seized and detained, and to cause the same to be seized and detained, and afterwards to sell and dispose of the same, according to such instructions as they from time to time shall receive from the Lieutenant-Governor to that effect.

Timber, &c. cut but not removed, may be seized and sold.

VI. *And be it further enacted by the authority aforesaid,* That the Commissioners, or any one of them, appointed under and by virtue of this Act, shall have full power and authority to summon and call before them any person as a Witness, to give evidence upon the subject of any complaint or matter the said Commissioners by this Act are authorised to investigate, and to administer in the usual form to such Witness an oath, that he will true answer make to all such questions as shall be put to him in reference to the matter under investigation; and if such Witness shall be guilty of wilful false swearing in giving his evidence as aforesaid, he shall on conviction be deemed guilty of wilful and corrupt perjury, and be liable to be punished in the same manner as persons convicted of wilful and corrupt perjury are now by law liable to be punished.

Commissioners authorized to summon witnesses;

And examine upon oath;

False swearing under this Act, Perjury.

VII. *And be it further enacted by the authority aforesaid,* That all monies and fines levied and collected under and by virtue of this Act shall, after deducting the expenses of collecting the same, be paid into the hands of the Receiver-General, and accounted for as part of the hereditary revenues of the Crown in this Province, or appropriated for the benefit of the Indian Tribes in this Province, in such manner as the Lieutenant-Governor, by and with the advice and consent of the Executive Council of the Province shall direct, as the case may require.

Appropriation of monies, levied under this Act.

VIII. *And be it further enacted by the authority aforesaid,* That when any person shall be charged with any offence against the provisions of this Act, the Commissioner or Commissioners appointed to examine into the same shall, before entering upon the investigation of such charge, summon the party accused to appear before him or them, at a place to be named in the said summons; and if he shall not appear there, upon proof of the due service of such summons, by delivering the same to him per-

Person accused, to be summoned previous to investigation of charge;

On default of appearance, complaint may be determined ex parte.

sonally, the Commissioner or Commissioners may proceed to hear and determine the complaint *ex parte*.

Commissioners empowered to issue, and Sheriffs and other officers bound to execute their warrants.

IX. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any Commissioner or Commissioners, duly appointed and acting under the authority of this Act, to issue any Warrant or Warrants under their hands and seals, directed to any Sheriff, Gaoler or Peace Officer, of the District in which any proceeding shall be had before them, commanding such Sheriff, Gaoler or Peace Officer, to carry into effect any order by them made in respect to any matter within their jurisdiction; and such Warrant or Warrants shall be executed by the Sheriff, Gaoler or Peace Officer, to whom the same may be directed, in the same manner as Warrants issued by any of Her Majesty's Justices of the Peace are executed.

Commissioners entitled to same protection as Justices of the Peace, &c.

X. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed under and by virtue of this Act, and all others acting under their authority, shall be entitled to the same privileges and protection in respect of any action or suit that may be instituted against them for any act by them done, that by law is granted and secured to any Justice of the Peace, Sheriff, Gaoler or Peace Officer, against whom an action may be brought for any thing by him done in the execution of his office.

Appeal lies against Judgment of Commissioners to the Vice-Chancellor;

XI. *And be it further enacted by the authority aforesaid,* That in case any person shall be dissatisfied with the judgment or decision of the said Commissioners, it shall and may be lawful for him at any time, not exceeding three months from the date of such judgment or decision, upon giving fourteen days notice in writing of his intention to the said Commissioners, who shall thereupon transmit to the proper Officer of the Court, for the use thereof, a copy of their judgment, together with the evidence taken before them the said Commissioners, to appeal therefrom to the Court of Chancery of this Province; and the Vice-Chancellor is hereby authorised and empowered to revise, alter, affirm or annul, the decision of the said Commissioners, or to order such further inquiry to be made, or if he shall see fit, to direct an issue to be tried at law touching the matter in dispute, and to make such orders and directions therein for payment of costs, and other matters respecting the same, as to him shall seem just and reasonable; and the decree of the said Court of Chancery to be given on such appeal shall be binding and conclusive on the party appealing as well as on the said Commissioners.

Decision in Chancery, final.

CHAP.

CHAP. XVI.

AN ACT to prevent the felling of Trees into certain Rivers and Creeks within this Province.

[Passed 11th May, 1839.]

WHEREAS much injury has arisen and may continue to arise from the felling of Trees into the Grand River, Smith's Creek, or River Nith, Preamble. Erb's Creek, or River Speed, in the District of Gore; Otter Creek, in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake, the River Scugog, and River Trent, from Rice Lake to the Bay of Quinte, and Crow River, in the Newcastle and Midland Districts; Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonechere, Madawaska and Goodwood, in the Bathurst District, in this Province, by endangering the Mill Dams and Bridges, and impeding the navigation thereof: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of August next, every person or persons, or their employers, cutting and felling any Trees into the said Grand River, River Nith, River Speed, in the District of Gore; Otter Creek, in the District of London; the River Credit, in the Home District; the River Otonabee, from Sturgeon Lake to Rice Lake, the River Scugog, and the River Trent, from Rice Lake to the Bay of Quinte, and Crow River, in the Newcastle and Midland Districts; the Rivers Gananoque, Rideau and Petit Nation, in the Johnstown District; and the Rivers Tay, Mississippi, Bonnechere, Madawaska and Goodwood, in the Bathurst District, within this Province, or upon such parts of the banks thereof as are usually overflowed in the Autumn or Spring of the year, by means of the rising of the water of the said Rivers, who shall not lop off the branches of such Trees, and cut up the trunks thereof into lengths of not more than eighteen feet, before they are or shall be allowed to be floated or cast into the said Rivers or any of them, shall for every such offence forfeit and

Conditions on which
Timber may be cut, on the
banks of certain Rivers,
and floated thereon;

Branches to be lopped,
and trunks cut into
lengths not exceeding 18
feet;

Penalty for violation of prescribed rules.

pay the sum of Fifty Shillings, or such less sum as is hereinafter provided in this Act.

Mode of conviction and levying forfeiture;

II. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the said first day of August next, cut down or fell any Trees as aforesaid, contrary to the provisions of this Act, shall upon conviction before any two Justices of the Peace, in the District in which such person or persons may reside, or have committed such offence, upon the oath of one or more credible Witness or Witnesses, pay such fine as to the said Justices the case may seem to require, not exceeding the sum of Fifty Shillings, to be levied by distress out of the goods and chattels of the said person or persons so convicted, by execution under the hand and seal of either of the said Justices, which execution either of the said Justices is hereby empowered to issue; and in case no distress can be found wherefrom to levy such fine, or that the said person or persons so convicted do not otherwise pay the said fines, within three days after conviction, then and in such case the said Justices may confine the said person or persons in the common Gaol of the District where such person or persons shall be convicted, for the term and space of ten days, unless the said fine and costs be sooner paid.

Imprisonment on default of payment.

Application of penalties levied.

III. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures to be levied by virtue of this Act, shall be paid into the hands of the Treasurer of the District where the same shall be levied, and shall be applied with improvement of the roads within the same.

Exception, in regard to Timbers, &c. prepared for market.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall apply, or be deemed to apply, to any round or squared Timber, or Trees, Masts, Staves, Deals, Boards or other Sawed or Manufactured Lumber or Saw Logs, prepared for transportation to a market.

CHAP. XVII.

AN ACT to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His late Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors, and the admeasurement of Lands'; and also to extend the provisions of an Act passed in the thirty-eighth year of His late Majesty's reign, entitled, "An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships in this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed."

[Passed 11th May, 1839.]

WHEREAS it is expedient to extend the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, chapter fourteen, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's reign, entitled, 'An Ordinance concerning Land Surveyors and the admeasurement of Lands,'" and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's reign, entitled, "An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships in this Province, and further to regulate the manner in which Lands are hereafter to be Surveyed," so as to protect persons who have made improvements upon Lands not their own, in consequence of unskilful Surveys previously to the lines of any Township, Concession or Lot, in this Province being established under the authority of the aforesaid Act, from costs of vexatious lawsuits: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, in all cases in which the Jury before whom any action of Ejectment shall be tried shall assess damages for the Defendant, as is provided for

Preamble.

59 Geo. 3, c. 14, recited.

Defendant entitled to costs, when defending the action only for purpose of obtaining value of his improvements, &c.

in the twelfth clause of the aforesaid Act, for improvements made upon Land not his own, in consequence of unskilful Surveys; and when it shall be satisfactorily made to appear that the Defendant does not contest the Plaintiff's action for any other purpose than to obtain the value of the improvements made upon the land previous to the alteration and establishing of the lines in the manner pointed out in the aforesaid Act, it shall and may be lawful for the Judge before whom such action shall be tried to certify such fact upon the record, and thereupon the Defendant shall be entitled to the costs of the defence in the same manner as if the Plaintiff had been nonsuited on the trial, or a verdict rendered for the Defendant.

Defendant to give notice of amount of claim for improvements, and willingness to surrender possession;

Without which notice, or if smaller sum shall be assessed, &c. Judge not to certify in his favour.

II. *Provided always, and be it further enacted by the authority aforesaid*, That it shall be incumbent upon the Defendant, at the time of entering into the consent rule, to give notice in writing to the Lessor or Lessors of the Plaintiff in such Ejectment, or to his Attorney, named on the Writ or Declaration, of the amount claimed for such improvements, on payment of which sum the Defendant, or person in possession, will surrender the possession to such Lessor or Lessors, and that the said Defendant does not intend at the trial to contest the title of the Lessor or Lessors of the Plaintiff; and without such notice shall on the trial be found to have been given as aforesaid, or if the Jury shall assess for the Defendant a less sum than that claimed in the notice, or shall find that the Defendant has refused to surrender possession of the land claimed, after tender shall have been made of such amount claimed, then in either of such cases the Judge shall not certify, and the Defendant shall not be entitled to the costs of the defence, but shall pay costs to the Plaintiff, anything herein contained to the contrary thereof notwithstanding.

When evidence not necessary in favour of Claimant's title.

III. *Provided nevertheless, and be it further enacted by the authority aforesaid*, That upon the trial of any such cause, no evidence shall be required to be produced in proof of the title of the Lessor or Lessors of the Plaintiff.

CHAP. XVIII.

AN ACT to continue and make permanent an Act passed in the fourth year of the reign of King William the Fourth, entitled, "An Act to regulate Line Fences and Water-courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads.'"

[Passed 11th May, 1839.]

WHEREAS an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to regulate Line Fences and Water-courses, and to repeal so much of an Act passed in thirty-third year of the reign of His late Majesty King George the Third, entitled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads,'" will shortly expire: *And whereas* it is expedient to continue and make permanent the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued and made permanent.

4 Wm. 4, c. 12, made perpetual.

CHAP.

CHAP. XIX.

AN ACT to limit the period for owners of lands making claims for damages already occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

Preamble.

WHEREAS by an Act passed in the eighth year of the reign of His late Majesty King George the Fourth, entitled "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned," certain provisions are therein made and contained, providing for compensation being made to the owners of lands for damages sustained by them in consequence of the said then intended Canal, Locks, Towing paths, Railways and other constructions and erections, being cut and constructed in and upon his, her or their respective lands: *And whereas* it is expedient to limit the time within which claims for damages sustained by the owners of lands in the manner aforesaid shall be made: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of April, which will be in the year of our Lord one thousand eight hundred and forty-one, all and every the powers and provisions in the said recited Act contained, in relation to claims for damages already sustained as aforesaid, and the remedies therein contained shall, in so far as respects any such claims for damages as shall be advanced or brought forward after that period, cease and determine.

Claims for compensation under the Rideau Canal Act, 8 Geo. 4, c. 1, to be made before 1st April, 1841.

Claims made before 1st April, 1841, but then undetermined through default of Claimant, barred.

II. *And be it further enacted by the authority aforesaid,* That all such claims as shall have been made before the said first day of April, but which the Claimant or Claimants shall have neglected or refused to bring to determination in the ordinary way by the said Act required, shall be considered from thenceforward as barred, as fully and effectually as if such claims had not been made.

III. *And be it further enacted by the authority aforesaid,* That to the end and intent that all persons having or intending to prefer any such claims, as are contemplated and provided for in and by the said recited Act, may be fully apprised of the provisions of this present Act, it shall and may be lawful for the Lieutenant-Governor to issue Her Majesty's Royal Proclamation, requiring all persons having made any such claims, or intending to prefer any such claim, to prefer and prosecute the same in due course, on or before the time above limited and expressed, and that otherwise the party or parties having or intending to advance or make any such claim, will from and after the expiration of the time so limited and expressed, be forever afterwards barred and precluded from making or advancing such claim, or having any right or title to compensation in respect thereof under or by virtue of the provisions of the said recited Act.

Notice of provisions and effect of this Act to be given by Royal Proclamation.

IV. *And whereas* it is expedient to provide and enact, that persons appointed to collect and receive the rates and dues payable in respect of the said Canal, shall account for the same upon oath in the manner hereinafter provided: *Be it further enacted by the authority aforesaid,* That from and after the passing of this Act it shall be the duty of the person or persons now employed, or hereafter to be employed, to collect and receive the rates and dues payable in respect of the said Canal, once in three months, or oftener if required, to render a true and faithful account in writing of all such monies as he or they shall from time to time receive for or on account of Her Majesty in respect of such rates and dues, which account shall be rendered as aforesaid to the principal Officer employed by Her Majesty from time to time to superintend the said Canal, and shall be subscribed and sworn to by the person or persons rendering the same, which oaths may be administered by any Judge of the Court of King's Bench, or by the Judge of any District Court, or by any one Justice of the Peace in any District in this Province.

Collectors of rates, &c. upon the Rideau, to make quarterly returns, on oath;

To the Officer superintending the Canal.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons to whom an oath or affirmation may be administered under the provisions of this Act, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished as for wilful and corrupt perjury.

False swearing under this Act, perjury.

CHAP. XX.

AN ACT to revive, and continue for a limited time, the Second Clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled, "An Act to secure to and confer upon certain Inhabitants of this Province the civil and political rights of natural born British Subjects."

[Passed 11th May, 1839.]

Preamble.

WHEREAS the time allowed by the Second Clause of an Act passed in the ninth year of the reign of King George the Fourth, entitled "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of natural born British Subjects," has expired: *And whereas* it is necessary to revive and continue the same for two years: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said Second Clause of the said Act as limits the time for taking the oath therein prescribed, be revived, and the same is hereby extended to two years from and after the passing of this Act, and no longer.

Period for taking the oath under the Naturalisation Act, 9 Geo. 4, c. 21, extended.

Publication of this Act at Quarter Sessions.

II. *And be it further enacted by the authority aforesaid,* That this Act shall be publicly read by the Clerk of the Peace, immediately after empanneling the Grand Jury, at the several Courts of General Quarter Sessions of the Peace held in the several Districts of this Province, for four successive sittings of such Courts after the first day of July next.

CHAP.

CHAP. XXI.

AN ACT to continue and make perpetual an Act passed in the fifth year of the reign of King William the Fourth, entitled "An Act to promote the public health, and to guard against infectious diseases in this Province."

[Passed 11th May, 1839.]

WHEREAS an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to promote the public health and to guard against infectious diseases in this Province," will expire at the close of the present Session: *And whereas* it is expedient to continue and make permanent the said Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued and made perpetual,

Preamble.

5 Wm. 4, c. —, made perpetual.

CHAP. XXII.

AN ACT to amend an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a sum of money, for the erection of certain Light Houses within this Province, and for other purposes therein mentioned."

[Passed May 11th, 1839.]

WHEREAS it is expedient to alter and amend the Act passed in the seventh year of the reign of His late Majesty King William the Fourth, Chap. ninety-five, entitled "An Act granting to His Majesty a sum of money for the erection of certain Light Houses within the Province, and for other purposes therein mentioned: *Be it therefore enacted* by the Queen's

Preamble.

most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the fourth clause of the said recited Act be, and the same is hereby repealed.

Fourth clause of
4 Wm. 4, c. 95, repealed.

II. *And be it further enacted by the authority aforesaid*, That for the purpose of defraying the interest and principal of the sum of three thousand five hundred pounds, granted to His Majesty by the said recited Act for erecting certain Light Houses in this Province, a duty of one shilling per ton shall be demanded and collected upon every boat and vessel owned by British subjects navigating Lakes Erie, Ontario and Saint Clair, and the Rivers Saint Clair and Detroit, which said duty of one shilling per ton shall be charged upon the full and actual measurement of every such vessel: *Provided always*, that no boat under ten tons shall be liable to the payment of such duty.

Tonnage imposed for
defraying charges for
Light-houses.

Boats under 10 tons,
excepted.

CHAP. XXIII.

AN ACT to continue and make permanent an Act passed in the third year of the reign of King William the Fourth, entitled "An Act to continue the duty upon Licenses to Hawkers and Pedlars."

[Passed May 11th, 1839.]

WHEREAS an Act passed in the ninth year of the reign of His late Majesty King George the Fourth, entitled "An Act to continue an Act, entitled 'An Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's reign, entitled, 'An Act to continue, repeal part of and amend an Act passed in the fifty-sixth year of His Majesty's reign, entitled 'An Act granting to His Majesty duties on licenses to Hawkers, Pedlars and petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same,'" will expire at the close of the present Session of Parliament if not continued: *And whereas* it is expedient to continue the said above mentioned Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of

Preamble.

Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued and made permanent.

Hawkers' and Pedlar's
licensing Act made
perpetual.

CHAP. XXIV.

AN ACT to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled "An Act to revive and continue an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled "An Act prescribing the mode of measuring the contents of Wooden Stills, also, for fixing the rate of Duty to be paid on all Stills used for the Distillation of Spirituous Liquors within this Province."

[Passed May 11th, 1839.]

WHEREAS an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled "An Act to prevent the consumption of Spirituous Liquors in Shops," will shortly expire: *And* *whereas* it is expedient to continue and make permanent the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act be and the same is hereby continued and made permanent.

Preamble.

Recites that Act 4th Wm.
4, passed to prevent the
consumption of Spirituous
Liquors, will shortly
expire;

Continues and makes the
same permanent.

CHAP.

H

CHAP. XXV.

AN ACT to continue and make permanent an Act passed in the eleventh year of the reign of King George the Fourth, entitled, "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, 'An Act to alter the Laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled, for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licenses.'"

[Passed 11th May, 1839.]

Preamble.

Continued for four years,
and to the end of the next
Session of Parliament.

WHEREAS an Act passed in the eleventh year in the reign of His late Majesty King George the Fourth, entitled, "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His Majesty's reign, entitled, 'An Act to alter the Laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled, for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licenses,' will expire at the close of the present Session of Parliament, if not continued: *And whereas* it is expedient to continue the same: *Be it therefore enacted* be the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act shall be and the same is hereby continued for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

CHAP.

CHAP. XXVI.

AN ACT to continue and make permanent an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the consumption of Spirituous Liquors in Shops."

[Passed 11th May, 1839.]

WHEREAS an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled, "An Act to prevent the consumption of Spirituous Liquors in Shops," will shortly expire: *And* Preamble. *whereas* it is expedient to continue and make permanent the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act continued and made permanent. Act be and the same is hereby continued and made permanent.

CHAP. XXVII.

AN ACT to assign duties to certain Commissioners, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

WHEREAS several Acts have been passed by the Legislature of this Province, authorising grants and loans of money for Macadmizing, making and repairing Roads, and constructing other Public Works: *And* Preamble. *whereas* several Bills have been passed by the House of Assembly during the present Session for the same purposes: *And whereas* it is advisable to provide that proper Returns shall be from time to time made, by the Commissioners appointed to carry the provisions of the same into effect, to the Lieutenant Governor, of the manner in which the monies have been laid out and expended: *Be it therefore enacted* by the Queen's most

Commissioners to make returns to Lieutenant Governor, and give such information as he may from time to time require.

Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That when any sum of money has been laid out for Macadamizing, making or repairing any Road, or constructing any other Public Works, under the provisions of any Act of this Province, or any Bill which may become a Law during the present Session, it shall be the duty of the Commissioners appointed to carry the provisions of the same into effect, to make such returns of the manner in which the monies advanced have been laid out and expended upon any such Road or other Public Work, with proper receipts and vouchers, and also to give such other information to the Lieutenant Governor as he may from time to time require.

If proper returns be not made, Lieut. Governor to withhold further advance of money to Commissioners neglecting to make such returns.

II. *And be it further enacted by the authority aforesaid,* That after any sum of money has been expended upon any such Road, or other Public Works; and the Commissioners neglect to make a return, as in the first clause of this Act is provided, to the satisfaction of the Lieutenant Governor, it shall and may be lawful for the said Lieutenant Governor, and he is hereby authorised, to withhold any further advance to the said Commissioners, until a satisfactory return, with receipts and vouchers as aforesaid, be made to him.

Power given to Governor to dismiss Commissioners, and to appoint others.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor in his discretion, from time to time, to dismiss any Commissioner appointed under the provisions of any Act now in force, or any Bill which may become a Law during the present Session, authorising the Macadamization, making or repairing any Road, or the construction of any other Public Work, and to appoint another in his stead.

CHAP. XXVIII.

AN ACT to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie."

[Passed 11th May, 1839.]

WHEREAS by an Act passed in the first year of Her Majesty's reign, entitled, "An Act to erect certain Townships now forming parts of the Districts of Bathurst, Johnstown and Ottawa, into a separate District, to be called the District of Dalhousie," it is provided, that the Gaol and Court House for the said District of Dalhousie shall be erected on some part of the ground reserved or set apart by Government for such public uses, in the town of Bytown: *And whereas* no such ground appears to have been reserved or set apart: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Gaol and Court House for the said District of Dalhousie shall be erected on such piece or plot of ground in the town of Bytown as shall be selected by John Bower Lewis, Member of the Provincial Parliament, Archibald Petrie, Esquire, of the Ottawa District, and George Longley, Esquire, of the Township of Augusta, in the Johnstown District, Commissioners hereby appointed for that purpose, or a majority of them: *Provided however*, that before any money shall be expended on the said Building a good and sufficient title for the said ground shall be obtained.

Preamble.

Site for Gaol and Court House at Bytown to be selected by Commissioners hereby appointed.

Title to the ground to first be ascertained.

CHAP.

CHAP. XXIX.

AN ACT to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock."

[Passed 11th May, 1839.]

Preamble.

Time limited by 22d s.
7 Wm. 4, c. 30. extended.

Additional rate on
District of Brock, to cease
after payment of debt
and interest.

WHEREAS it is expedient to extend the provisions of the Twenty-second Clause of an Act passed in the seventh year of the reign of His Majesty King William the Fourth, entitled, "An Act to authorise the erection of the County of Oxford into a separate District, by the name of the District of Brock": *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the provisions of the said Clause shall be, and they are hereby extended, to such a period beyond the four years therein mentioned as may be necessary to enable the Magistrates fully to pay the amount authorised to be borrowed by the said Act, to erect a Gaol and Court House in the District of Brock: *Provided always*, that the additional rate of one penny in the pound shall not be levied and collected after the sum of Six Thousand Pounds, authorised by the said Act to be raised, shall be fully paid, with the interest thereon, any thing in the said recited Act to the contrary notwithstanding.

CHAP.

CHAP. XXX.

AN ACT to alter and amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District."

[Passed 11th May, 1839.]

WHEREAS in and by an Act of the Parliament of this Province, passed in the first year of the reign of Her Majesty, entitled, "An Act ^{Preamble.} to authorise the erection of the County of Huron, and certain other territory adjacent thereto, into a separate District," after reciting that, whereas it is just and expedient that until the said County of Huron be declared a separate District, the said County should contribute a just proportion of the ordinary expenses of the District of London, it is enacted amongst other things, that from and out of the rates and assessments raised, levied and collected in the said County, it shall and may be lawful for the Treasurer of the London District annually to retain for the purposes aforesaid, such a sum, as a majority of the Magistrates in General Quarter Sessions assembled, in the month of April then next, should ascertain and determine to be the just and equitable proportion of such expenses, to be borne and paid by the aforesaid County of Huron: *And whereas* the majority of the said Magistrates did not, in the said Quarter Sessions, in the said month of April, ascertain and determine the said proportion, it is therefore expedient to extend the time for so doing: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Majority of the Magistrates of the said District of London, at the next or any future Quarter Sessions of the Peace held in and for the said District, to ascertain and determine the said just and equitable proportion of such expenses to be paid by the said County of Huron, for the purposes in the said Act mentioned, any thing therein contained to the contrary thereof in anywise notwithstanding.

1st Vict. c. 26, s. 13.
recited.

Time for the Magistrates of the London District to determine proportion of expenses to be borne by County of Huron. extended.

CHAP. XXXI.

AN ACT to extend the period for imposing an additional Rate upon the intended new District of Colborne.

[Passed 11th May, 1839.]

Preamble.

Period for continuing the additional rate for payment of debt by the new District of Colborne, extended :

Rate not to be levied after payment of debt and interest.

WHEREAS it is expedient to extend the provisions of the Twenty-third Clause of the Act passed in the seventh year of the reign of His late Majesty, King William the Fourth, entitled, "An Act to authorize the erection of certain Townships, and other territory heretofore forming part of the Newcastle District, into a new District, by the name of the District of Colborne, with Peterborough for the District Town": *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the provisions of the said clause shall be, and they are hereby extended, to such a period beyond the four years therein mentioned, as may be necessary to enable the Magistrates fully to pay the amount authorized to be borrowed by the said Act, to erect a Gaol and Court House in the District of Colborne: *Provided always*, that the additional rate of one penny in the Pound shall not be levied and collected after the sum of Six Thousand Pounds, authorized by the said Act to be raised, shall be fully paid, with the interest thereon, any thing in the said recited Act to the contrary notwithstanding.

CHAP.

CHAP. XXXII.

AN ACT to authorize the raising of One Thousand Pounds, by an additional rate or levy of One Half-penny in the Pound, upon the Inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich.

[Passed 11th May, 1839.]

WHEREAS the Gaol and Court House at Sandwich, in the Western District, are become very much dilapidated and out of repair, and the same are not sufficiently secure or commodious for the detention of Prisoners therein: *And whereas* certain persons, inhabitants of the said District, have, in their petition to the Legislature of this Province, set forth, that in consequence of various unavoidable expenses to which the said District has of late been subjected, it has become largely indebted to sundry persons, and a considerable sum of money is moreover necessary for the improvement of the Gaol at Sandwich aforesaid, and that there are not any means of discharging the said debt, or of satisfying the parties, Creditors of the said District, or for repairing, enlarging and improving the Gaol, where absolutely necessary, unless an Act of Parliament be passed, imposing an additional rate upon property within the said District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That as well in order to provide funds for the liquidation and discharge of all and every sum and sums of money, claims and demands, due or payable to any person or persons by the said District, (such claims and demands acknowledged already, or hereafter to be acknowledged or admitted, by the Justices of the Peace, in General Quarter Sessions assembled, to be justly due to him, her or them) as to provide funds for the enlarging, repairing and improving, the Common Gaol at Sandwich aforesaid, with its yards, fences and appurtenances, it shall and may be lawful for the Justices of the Peace of the said District, in General

Preamble.

Petition of Inhabitants of Western District, recited.

Additional rate sanctioned, for payment of the debt and improvement of the Gaol of the Western District.

Quarter Sessions assembled, and they are hereby required, to levy, by assessment to be made on each and every inhabitant householder in the said District, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said District, an additional rate of One Half-penny in the Pound, upon all assessable property within the said District, until the sum hereinafter authorized to be borrowed for paying the said debt, and for defraying the expenses of repairing the said Gaol, and all interest thereon, shall be fully discharged.

Magistrates empowered to contract on behalf of the Inhabitants, for improvement of the Gaol, &c.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any five or more of Her Majesty's Justices of the Peace, in and for the said Western District, in General Quarter Sessions assembled, either at the next, or any subsequent Court to be holden after the passing of this Act, together with any other person or persons by them appointed, and in the name or on the behalf of the inhabitants of the said District, to contract, and the said other person or persons is, and are hereby authorized, to contract with any person who may be willing to alter, repair, enlarge, or otherwise improve the said Gaol and Court House, with the fences and appurtenances belonging thereto.

Magistrates authorized to raise a loan of £1,000.

Appropriation.

The debt a charge upon the District Treasury.

III. *And be it further enacted by the authority aforesaid*, That the said Justices of the Peace, so assembled as aforesaid, shall have power to raise by loan, at a rate of interest not greater than six per cent per annum, from such person or persons, bodies politic or corporate, as may be willing to lend the same on the credit of the said District, a sum not exceeding One Thousand Pounds, to be paid and appropriated by the Treasurer of the said District as follows: (that is to say)—a sum not exceeding Six Hundred and Fifty Pounds to discharge all such debts, claims and demands, due by the said District, and the remainder of the said sum of One Thousand Pounds to the repairing, altering, enlarging or otherwise improving the said Gaol and Court House, with the yard and appurtenances belonging thereto; and that the bond or agreement, under the hand and seal of the Treasurer of the said District, to be given for the repayment of such loan under the authority of this Act, (which bond or agreement the said Treasurer is hereby authorised to give,) shall constitute a debt and charge binding upon the Treasury of the said District, but not upon such Treasurer in his individual and personal capacity.

CHAP. XXXIII.

AN ACT to make valid and to confirm the admission of John Bristowe, Esquire, as a Solicitor in the Court of Chancery in this Province.

[Passed 11th May, 1839.]

WHEREAS by an Act of the Legislature of this Province, passed in the seventh year of the reign of His late Majesty King William the Fourth, ^{Preamble.} entitled, "An Act to establish a Court of Chancery in this Province," after reciting in the Twenty-second Section of the said Act, that it might be beneficial to facilitate the admission of a limited number of persons, experienced in the practice of Courts of Equity in the United Kingdom, to practice as Solicitors in this Province, it was among other things enacted, that it should be lawful for the Vice Chancellor to admit persons to be Solicitors of the said Court, (not exceeding six in number) upon their producing evidence to his satisfaction of their having been respectively admitted and sworn as Solicitors of the High Court of Chancery in England or Ireland, and of their having been in actual practice in such Court as Solicitors: *And whereas* Attornies of Her Majesty's Court of Queen's Bench in England are entitled to be admitted and to practice as Solicitors in the High Court of Chancery there: *And whereas* John Bristowe, late of the City of London, in Great Britain, but now of the City of Toronto, Gentleman, is an admitted Attorney of Her Majesty's Court of Queen's Bench in England, and he having also practiced in the High Court of Chancery there, and being well acquainted with the practice of Courts of Equity, he was a short time since admitted by the Vice Chancellor as a Solicitor of, and he is now practising as such, in the Court of Chancery in this Province: *And whereas* doubts have arisen whether the admission of the said John Bristowe as such Solicitor can be legally sustained, although no doubt whatever exists that the equity of the twenty-second section of the said recited Act has been complied with, and can be sustained as far as regards his said admission: *And whereas* it is desirable that such doubts should be removed, and that the said John Bristowe's admission should be confirmed in all respects: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provi-

Admission of John
Bristowe as Solicitor,
confirmed.

sion for the Government of the said Province," and by the authority of the same, That the admission of the said John Bristowe, to practise as a Solicitor in the Court of Chancery, in this Province, heretofore made by the Vice-Chancellor as aforesaid, is hereby confirmed and declared to be good and valid, to all intents and purposes whatsoever, any thing in the said recited Act contained to the contrary thereof, in anywise, notwithstanding.

Past Professional acts
declared valid.

II. *And be it further enacted by the authority aforesaid,* That no Acts and proceedings heretofore done, nor any process from the said Court of Chancery in this Province, which have heretofore been taken out or issued and executed, by the said John Bristowe, as such Solicitor as aforesaid, shall be held void or voidable, by reason of any error, inadvertence or illegality, in the admission of the said John Bristowe, as such Solicitor as aforesaid.

CHAP. XXXIV.

AN ACT to authorize the Court of King's Bench to admit Adam Ainslie to practise as an Attorney in that Court, and to authorize the Vice-Chancellor to admit him to practise as a Solicitor, in the Court of Chancery in this Province.

[Passed 11th May, 1839.]

Preamble.

WHEREAS an Act was passed in the second year of the reign of His late Majesty King William the Fourth, entitled "An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's reign, entitled "An Act for the better regulating the practise of the Law, and to extend the provisions of the same:" *And whereas* it is amongst other things enacted, that from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney of this Province, unless upon an actual service, under articles for five years, with some practising Attorney in this Province: *And whereas* it appears by the petition of Adam Ainslie, a native of Scotland, now resident in this Province, and by certificates and documents produced in support thereof, that he is a duly admitted Attorney of Her Majesty's Courts of Queen's Bench and Common Pleas in England, and also a Solicitor in the High Court of Chancery and in the Court of Exchequer in England: *And whereas* it also appears that the said Adam Ainslie came into this Province in the hope of being allowed to practise

his profession : *And whereas* the said Adam Ainslie is desirous of practising in the Courts of Law and Equity in this Province, and it is expedient to relieve him from the disability imposed by the said Act : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That any thing in the said recited Act to the contrary thereof in anywise notwithstanding, the Court of King's Bench may, at its discretion, admit the said Adam Ainslie to practise as an Attorney in this Province.

Court of King's Bench
authorized to admit
Adam Ainsley as an
Attorney.

II. *And be it further enacted by the authority aforesaid*, That the Vice-Chancellor of this Province may, at his discretion, admit the said Adam Ainslie to practise as a Solicitor in the Court of Chancery within the same.

Vice-Chancellor autho-
rized to admit Adam
Ainsley to be a Solicitor.

CHAP. XXXV.

AN ACT authorising the Trustees of certain Lands in Peterborough, for the use of the Roman Catholic Church, to dispose of the same.

[Passed 11th May, 1839.]

WHEREAS Lots number one and two, South of Brock Street, and West of George Street, and one and two North of Hunter Street, and West of George Street, in the Town of Peterborough, in the District of Newcastle, were, among other Lands, granted to the Honourable and Right Reverend Alexander McDonell, of the City of Toronto, in the Home District, Bishop of Regiopolis ; the Right Reverend Remegius Gaulin, of the same place ; the Reverend Angus McDonell, of Sandwich, in the Western District ; Alexander McDonell, of the said Town of Peterborough, Esquire ; and Francis Connin, of the same place, Surgeon, in trust for the purpose of a Roman Catholic Church, and for the use of a Roman Catholic Clergyman, in the said Town of Peterborough : *And whereas* the said Trustees are desirous of disposing of the said Lands, for the purpose of defraying the expenses of building a Church in the

Preamble.

Trust for Roman Catholic
Church in Peterborough,
recited.

Trustees empowered to
sell the trust property
for the purposes of the
Church.

Town of Peterborough : *And whereas* it is doubtful whether, under the strict terms of the grant, they can do so : *And whereas* it is desirable they should have the authority to dispose of the said Land for the above purpose, the same not being required by them for any other object : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, 'That the said Trustees shall and may sell and convey the said Land to any person or persons whatsoever, for the best price that can be reasonably gotten for the same, and appropriate the proceeds thereof to the completing and furnishing the Catholic Church now building in the said Town,

CHAP. XXXVI.

AN ACT to render valid the late Elections for Aldermen and Councilmen for the Town of Kingston.

[Passed 11th May, 1839.]

Preamble

WHEREAS by the fifteenth section of an Act passed in the first year of the reign of Her Majesty, entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," it is provided, that the Aldermen and Councilmen of the said Town shall be elected on the last Tuesday in March in each year : *And whereas* it was not provided by the said Act by whom the Officers holding the first Election for the said Town should be appointed : *And whereas* from the necessity of having a proper Police to act in behalf of the said Town, the Magistrates of the said Town appointed the Officers, to hold the Elections for the different Wards of the said Town, on the last Tuesday in March, in the year of our Lord one thousand eight hundred and thirty-eight : *And whereas* it is necessary and expedient to declare such Elections, so held, legal and valid : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under

the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That notwithstanding any omission in the above recited Act, respecting the appointment of Officers to hold the first Elections for the said Aldermen and Councilmen, the said Elections for Aldermen and Councilmen held in the Town of Kingston on the last Tuesday in March, in the year of our Lord one thousand eight hundred and thirty-eight, shall be held and taken to be legal and valid to all intents and purposes whatever, any Law to the contrary thereof in anywise notwithstanding.

First election of Members of the Corporation of Kingston, declared valid.

CHAP. XXXVII.

AN ACT to amend an Act passed in the first year of Her Majesty's reign, entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."

[Passed 11th May, 1839.]

WHEREAS an Act was passed in the last Session of the Provincial Legislature, entitled, "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston," in which it was enacted that the Mayor, Aldermen and Councilmen of the said Town of Kingston, shall be sworn into their respective offices on a certain day therein named, by the Judge of the District Court, or the Chairman of the Quarter Sessions: *And whereas* at the election in the month of March last past, the Officers in the fourth Ward of the said Town, and also the Mayor of the said Corporation, were sworn into office by the Chairman of an Adjourned Quarter Sessions of the Peace, in the absence of the Chairman; and doubts having arisen whether the same is lawful, for remedy thereof—*Be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same,

Preamble.

Made in which Mayor,
Aldermen, &c. of
Kingston, were sworn
into office, declared valid.

That the said swearing into office of the Mayor of the said Town, and also the Aldermen and Common Council-men of the fourth Ward thereof, shall be, and the same is hereby declared to be legal, valid and effectual, in law, any thing in the said Act of Incorporation to the contrary thereof in anywise notwithstanding.

Corporation empowered
to levy penalties imposed
by their By-laws.

II. *And whereas* no power is given to the said Corporation to enforce any penalty or punishment, for disobedience of the provisions of any Act or By-law, which by the aforesaid recited Act the said Corporation are authorized to make: *Be it therefore further enacted by the authority aforesaid,* That the fines, penalties and punishments, imposed or to be imposed by such Acts and By-laws, shall be made, levied and recovered, on conviction, on the oath of one or more credible witness or witnesses, of the offender or offenders, before the Mayor or either of the Aldermen of the said Town, by distress and sale of the Goods and Chattels of such offender or offenders, or imprisonment of his or their persons, which fine shall in no case exceed five pounds, nor imprisonment more than thirty days, at the discretion of the said Mayor or Aldermen, which Warrant of Distress or Imprisonment the said Mayor, or either of the Aldermen, are hereby empowered to grant.

Mayor and Senior
Alderman, Justices of the
Peace

III. *And be it further enacted by the authority aforesaid,* That the Mayor, and the Senior Alderman of the said Town, shall, by virtue of his and their respective offices, be Justices of the Peace in and for the said Town.

Returning Officer to be
appointed by Common
Council

To take oath of office;

Persons qualified to vote
in case of vacancies

IV. *And be it further enacted by the authority aforesaid,* That at every General Election for any Ward in the said Town, or in case any vacancy shall occur in the office of Aldermen or Common Council-men for either of the said Wards, the same shall be held by and before a Returning Officer, to be appointed by the said Common Council, who shall be sworn by the Mayor, or either of the Aldermen of the said Town, duly and faithfully to discharge the duties of the said office; and in case of any Election to supply any vacancy as aforesaid, every person duly qualified according to the before recited Act of Incorporation, shall be entitled to vote thereat.

CHAP. XXXVIII.

AN ACT to Incorporate certain persons under the style and title of the College of Physicians and Surgeons of Upper Canada.

[Passed 11th May, 1839.]

WHEREAS Christopher Widmer, President of the Medical Board of this Province ; William W. Baldwin, M. D. Member of the Medical Board ; John Short, M. D. ; R. C. Horne, Member of the Medical Board ; William C. Gwynne, M. B. Member of the Medical Board ; John King, M. D. Member of the Medical Board ; Robert Hornby, M. D. Member of the Medical Board ; Walter Telfer, Surgeon, Member of the Medical Board ; Alexander Burnside, Licentiate ; Lucius O'Brien, M. D. Member of the Medical Board ; H. Boys ; Duncan Campbell, M. D. ; Thomas Duggan, Licentiate ; John Mackelcan, Member of the Royal College of Surgeons ; John Barnhart, Junior ; James Cotham, Member of the Royal College of Surgeons, London ; Edward Morton, Member of the Royal College of Surgeons, London ; Francis Clarke Mewburn, Licentiate ; Thomas Rolph, Member of the Royal College of Surgeons, London ; William Bulmer Nicol, Licentiate ; William Craigie, (Surgeon) Licentiate ; C. W. Covernton, M. D. Member of the Royal College of Surgeons ; B. Cotter, M. D. and Surgeon ; George Southwick, Licentiate ; John Stewart, Member of the Royal College of Surgeons, Edinburgh ; John Crumlin, M. D. ; R. McLean, Surgeon ; R. Stewart, Surgeon ; Samuel John Stratford, Member of the Royal College of Surgeons, London ; William Tullidge, Surgeon ; William Rees ; Thomas T. Ranken, M. D. Member of the Royal College of Surgeons, London ; Patrick McMullin ; Joseph Anderson ; James Coleman ; R. McDonald, M. D. ; William Allison, Surgeon ; G. Herrick, M. D. A. B. ; J. Wilson, Surgeon ; George H. Low, Member of the Royal College of Surgeons, London ; William Clarke, L. R. C. J. ; John Turquand, Licentiate ; William Gunn, M. D. ; James McIlmurray, Member of the Royal College of Surgeons, London ; W. H. Burritt ; William Durie, Assistant Inspector of Ordnance Hospitals ; David J. Bowman, Licentiate ; Elijah E. Duncombe, Licentiate ; and Thomas A. Williams, have by their petition amongst other things represented, that the Laws now in force in this Province, regulating the practice of the Medical profession, and for the prevention of persons practising without License, have been found very inadequate, and have prayed that such alterations and amendments may be made in the existing Laws, as may be most conducive to the interests of the Medical profession and the

Preamble.

Petition recited ;

public at large : *And whereas* it is highly desirable that the profession of Medicine in this Province should be placed upon a more respectable and efficient footing, and that a more summary mode should be provided for the conviction and punishment of persons practising without a License: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, entitled, "An Act to repeal an Act passed in the fifty-fifth year of His Majesty's reign, entitled, 'An Act to license Practitioners in Physic and Surgery throughout this Province, and to make further provision for licensing such Practitioners'; and also an Act passed in the eighth year of the reign of His late Majesty King George the Fourth, entitled, "An Act to amend the Laws regulating the practice of Physic, Surgery and Midwifery, in this Province," be and the same are hereby repealed.

59 Geo. III. chap. 13, and,

3 Geo. IV. chap. 3,
repealed.

College of Physicians
and Surgeons incorpo-
rated;

II. *And be it further enacted by the authority aforesaid*, That the Members of the Medical Board appointed under and by virtue of the said first above recited Act, namely, Christopher Widmer, Member of the Royal College of Surgeons of London, and Staff Surgeon on half pay of Her Majesty's Forces; William Warren Baldwin, Doctor of Medicine, of the University of Edinburgh; Robert C. Horne, Member of the Royal College of Surgeons, London, and late Assistant Surgeon of the Glengary Regiment of Light Infantry; James Sampson, late Assistant Surgeon, on half pay of Her Majesty's Forces; Peter Deihl, Member of the Royal College of Surgeons, London; John King, Doctor of Medicine, of the University of Edinburgh, and Licentiate of the Royal College of Surgeons; George Neville Ridley, Member of the Royal College of Surgeons, London; Samuel John Stratford, Member of the Royal College of Surgeons, London; Robert Hornby, Doctor of Medicine, of the University of Edinburgh; Lucius O'Brien, Doctor of Medicine, of the University of Edinburgh, and Member of the Royal College of Surgeons of London; William Durie, Assistant Inspector of the Ordnance Medical Department, on half pay; Joseph Hamilton, Doctor of Medicine, of the University of Edinburgh; Walter Telfer, Licentiate, of the Royal College of Surgeons in Edinburgh; James Hamilton, Doctor of Medicine, of the University of Edinburgh; William C. Gwynne, Bachelor of Medicine, of the University of Dublin;

and Robert Douglas Hamilton, late Surgeon of the Royal Navy, and their successors to be nominated and appointed as hereinafter provided, shall be, and they are hereby declared to be, one Body Corporate and Politic in deed and in Law, by the name of "The College of Physicians and Surgeons of Upper Canada"; and shall have perpetual succession, and a Common Seal, with power to change, alter, break, or make new the same; General corporate powers; and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of record and places of Jurisdiction within this Province; and that they and their successors by the name aforesaid, shall be able and capable in Law to have, hold, receive, enjoy, possess and retain, for the end and purposes of this Act, and in trust and for the benefit of the said College, all such sums of money as have been paid and given, or shall at any time hereafter be paid, given, devised or bequeathed, by any person to and for the use of the said College; and that they and their successors, May hold real estate, &c.: by the name aforesaid, shall and may at any time hereafter, without any license or mortmain, purchase, take, receive, have, hold, possess and enjoy, any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements or hereditaments, for the purposes of the said College, and for no other purposes whatsoever; and may also in the same manner sell, grant, lease, demise, alien, or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do: *Provided always*, the said Property limited to £10,000. real estate shall at no time exceed in value the sum of Ten Thousand Pounds of lawful money of this Province.

III. *And be it further enacted by the authority aforesaid*, That the Style of the Corporation. said persons composing the Medical Board, as hereinbefore mentioned, and their successors, shall from and after the passing of this Act be called, "Fellows of the College of Physicians and Surgeons of Upper Canada."

IV. *And be it further enacted by the authority aforesaid*, That the Power of electing Members to be Fellows of the College. Fellows of the said College, and their successors, shall and may have power to elect in such manner, and from time to time, from and out of the Members of the said College, such and so many persons, who shall also be Fellows thereof, as in their discretion they shall think fit.

V. *And be it further enacted by the authority aforesaid*, That the College to be governed by President and Fellows: Fellows for the time being of the said College be, and they are hereby declared to be, Governors of the said College, and that any four of them, with the President, or in his absence the Vice President, be a quorum; Their power to make rules and ordinances; and shall have full power and authority to frame and make statutes, rules and ordinances, for the government of the said College and of the Mem-

Not repugnant to the laws of the Province;

Non-resident Fellows may vote by proxy.

bers thereof; and also from time to time by any new statutes, rules or ordinances, to revoke, renew, augment or alter, all, every or any, of the said statutes, rules and ordinances, as to them shall seem meet and expedient: *Provided always*, that the said statutes, rules and ordinances, or any of them, shall not be repugnant to the Laws and Statutes of this Province: *Provided always*, that as well for the election of a President and Vice President, as for the confirmation of statutes, rules, and ordinances as aforesaid, the Fellows not resident in the City of Toronto may vote by proxy.

Persons authorised to practice are Members of the College;

And bound by laws adopted by the Fellows.

VI. *And be it further enacted by the authority aforesaid*, That all persons now authorised by law, or who may hereafter be authorised by law, to practice Physic, Surgery, and Midwifery within this Province, and who shall comply with the provisions of this Act, shall be, and they are hereby declared to be, Members of the said College of Physicians and Surgeons of Upper Canada; and shall be subject to such rules, regulations and by-laws, as may be adopted by the Fellows of the said College from time to time.

First and future elections of President and Vice-President;

Statutes not binding until after thirty days publication in the Gazette.

VII. *And be it further enacted by the authority aforesaid*, That the Fellows of the said College shall annually, on the first Monday in January in each and every year, except the first election, which shall take place on the second Monday in May, in the year of our Lord one thousand eight hundred and thirty-nine, elect from among themselves a President, and one Vice President, who shall preside in the absence of the President; and no Statute, Rule, or Ordinance shall have any effect or be binding upon the Fellows of the said College or the Members thereof, until the same shall have been published thirty days in the Upper Canada Gazette.

Fellows may appoint and remove Officers.

VIII. *And be it further enacted by the authority aforesaid*, That the Fellows of the said College shall have power, from time to time, to appoint such and so many Officers in the said College as they may think proper, and at their pleasure to remove the same.

What persons entitled to practice Physic, &c.;

IX. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall not be lawful for any person, not being a Fellow or Member of the said College of Physicians and Surgeons of Upper Canada, and not having been licensed by the Lieutenant Governor of this Province, or not having been heretofore licensed by any Medical Board, or not been actually employed as a Physician or Surgeon in Her Majesty's Naval or Military service, to practice Physic, Surgery or Midwifery, in this Province for hire, gain, or hope of reward; and any person who shall practice Physic, Surgery or Midwifery for hire,

gain or hope of reward, not licensed as aforesaid, or not being actually employed as a Physician or Surgeon in Her Majesty's Naval or Military Service, shall upon conviction thereof, before one Justice of the Peace, upon the oath of one credible Witness, forfeit and pay the sum of Five Pounds: *Provided* that nothing in this Act contained shall be construed to prevent or prohibit any Female from practising Midwifery in this Province, or to require such Female to take out such license as aforesaid.

Penalty for practising illegally;

Females not prohibited from practising Midwifery.

X. *And be it further enacted by the authority aforesaid*, That no person now authorised to practice Physic, Surgery, and Midwifery within this Province, shall be entitled to the privilege of becoming a Fellow or Member of the said College, unless he shall first pay the sum of Five Pounds, to such person, and in such manner as the Fellows of the said College shall from time to time direct; nor until he shall conform to the rules and regulations which the Fellows of the said College may from time to time make respecting the mode of becoming Members of the said College.

Admission fee, and conformity to the rules of the College, necessary on becoming a Member.

XI. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, no person shall be admitted to practice Physic, Surgery and Midwifery, or either, within this Province, until he shall first obtain a license so to do under the Seal of the said College of Physicians, and Surgeons of Upper Canada, except he be a Fellow or Member of the said College of Physicians and Surgeons of Upper Canada, or except he has before the passing of this Act been licensed by the Lieutenant Governor of this Province, or except he be actually employed as a Physician or Surgeon in Her Majesty's Naval or Military Service.

No person entitled to practice without licence from the College, except as herein provided.

XII. *And be it further enacted by the authority aforesaid*, That upon the application of any person exhibiting a diploma or license from any University in Her Majesty's dominions, or from any College or Faculty of Physicians or of Surgeons in the United Kingdom, as Physician or Surgeon, or a Commission or Warrant as Physician or Surgeon in Her Majesty's Naval or Military regular Services, and upon satisfying the said Fellows of the said College that he is the person named in such Diploma, License, Commission or Warrant, it shall and may be lawful for the Fellows of the said College to grant such applicant a license under the Seal of the said College to practice Physic, Surgery and Midwifery, or either, as the case may be, in this Province.

What persons may be licenced by the College.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any person while employed on actual service in Her Majesty's Naval or Military Service, as Physician or Surgeon, to

Licence not necessary to Practitioner while in actual service of Her Majesty.

practice Physic, Surgery or Midwifery, in this Province without a licence whilst he is so employed.

Fellows to regulate
amount of License fees;

Maximum, £5.

XIV. *And be it further enacted by the authority aforesaid,* That the Fellows of the said College shall, from time to time, determine and direct by some Statute, Rule or Ordinance, the amount of fees to be paid by persons applying for a license to practice Physic, Surgery and Midwifery, or either, within this Province: *Provided always,* that the amount to be paid shall in no case exceed the sum of Five Pounds.

Mode of proceeding upon
charges against persons
for illegally practicing
Physic, &c.

XV. *And be it further enacted by the authority aforesaid,* That when any person shall be charged on the oath of one or more credible Witness or Witnesses, before any Justice of the Peace, with having practised Physic, Surgery, or Midwifery, for hire, gain, or hope of reward, without a licence, except in the case of a Female practising Midwifery, the said Justice may Summon the person charged to appear at a time and place to be named in such Summons, and if he shall not appear accordingly, then (upon proof of the due service of the Summons upon such person by delivering the same to him personally) the Justice may either proceed to hear and determine the case *ex parte*, or issue his Warrant for apprehending such person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the charge shall be made may, if he shall so think fit, without any previous Summons, issue such Warrant, and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

On non-payment of
penalty and costs, Justice
may issue Distress
Warrant;

When no sufficient
distress, offenders may
be committed.

XVI. *And be it further enacted by the authority aforesaid,* That in default of payment of any fine imposed under the authority of this Act, together with the costs attending the same within the period specified for the payment thereof at the time of conviction by the Justice of the Peace before whom such conviction may have taken place, it shall and may be lawful for such Justice of the Peace to issue his Warrant, directed to any Constable, to levy the amount of such fine and costs within a certain time to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the common Gaol of the District wherein the offence was committed, for any time not exceeding one month, unless the fine and costs shall be sooner paid.

Conviction not bad for
defect in form.

XVII. *And be it further enacted by the authority aforesaid,* That no conviction under this Act shall be quashed for want of form, and no Warrant of Commitment shall be held void by reason of any defect therein,

provided it be alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XVIII. *And whereas*, for the protection of the public, it is necessary that some supervision and control should be had over persons vending Medicines and Drugs, or otherwise acting as Apothecaries within any City or Town Corporate: *Be it therefore enacted by the authority aforesaid*, That the Fellows of the said College shall and may from time to time, make such rules and regulations for the government and proper management of persons acting as Apothecaries, within any City or Town Corporate within this Province, as they may think proper, and may impose such penalty for the breach or non-observance of the same as in their discretion they may deem expedient, not exceeding the sum of Two Pounds for any one offence, which said penalty may be enforced and collected before any Justice of the Peace, in the same manner as is hereinbefore provided for the conviction and punishment of persons practising Physic, Surgery, or Midwifery without a license; which said rules and regulations, before they shall be binding or effectual for the purposes of this Act, shall be published at least thirty days in the Upper Canada Gazette.

Authority of the College to extend to the controlling of persons acting as Apothecaries;

Penalty not exceeding £2, recoverable before one Justice;

Rules affecting Apothecaries not binding until after 30 days publication.

XIX. *And be it further enacted by the authority aforesaid*, That all fines and penalties, levied and collected under and by virtue of this Act, shall be paid into the hands of the proper Officer appointed by the said Fellows from time to time, to and for the use and benefit of the said College.

Penalties to be applied to the use of the College.

XX. *Provided always nevertheless, and be it further enacted by the authority aforesaid*, That nothing herein contained shall extend or be construed to extend, to restrain the power of the Legislature at any time to repeal, alter, or modify this Act in any of its provisions.

Act may be altered or repealed by Legislature.

CHAP. XXXIX.

AN ACT to Incorporate certain persons under the style and title of
"The President, Directors and Company, of the Bayfield Harbour."

[Passed 11th May, 1839.]

WHEREAS the construction of a safe and commodious Harbour at Bayfield, in the County of Huron and District of London, would manifestly tend to the improvement of that part of this Province, as well as

Preamble.

Bayfield Harbour
Company incorporated;

Style of the Company;

Capable of holding Real
Estate, &c.;

Not entitled to privilege
of banking.

Company empowered to
construct Harbour, &c.

be of great advantage to all persons in any way concerned in the navigation of Lake Huron: *And whereas* it would be advisable that a Joint Stock Company should be by law Incorporated, for the purpose of effecting the construction of such Harbour: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That Edward C. Taylor, William Dunlop, William Bennet Rich, Henry Ransford, Charles Prior, and David Hood Ritchie, Esquires, together with all such other persons as shall become Stockholders in such Joint Stock Company or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic in fact, by and under the name and style of "The President, Directors and Company, of the Bayfield Harbour," and that by this name they and their Successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts or places whatsoever in all manner of suits, actions, complaints, matters and causes whatsoever, and that they and their Successors shall and may have a common Seal, and change and alter the same at their will and pleasure; and also that they and their Successors, by the name of "The President, Directors and Company, of the Bayfield Harbour," shall be in law capable of purchasing, having and holding, to them and their Successors any Estate, real, personal or mixed, to and for the use of the said Company; and of letting, conveying, or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always*, that nothing herein contained shall extend or be construed to extend to allow the said Company to carry on the business of Banking.

II. *And be it further enacted by the authority aforesaid*, That the said Company are hereby authorised and empowered, at their own costs and charges, to construct a Harbour at Bayfield aforesaid, which shall be accessible to, and fit, safe and commodious, for the reception of such description and burthen of Vessels as commonly navigate the said Lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever, as shall be useful and proper for the protec-

tion of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair and enlarge the same, as may be found expedient and necessary.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall and they are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land, through or upon which they may determine, to cut and construct the said intended Harbour with all necessary and convenient roads, streets, and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she, or they, shall or may be entitled to recover from the said Company, in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut and made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers, as aforesaid, it shall and may be lawful, from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by the persons so named, before they proceed to arbitration, shall be Arbitrators to award, determine, adjudge and order, the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days notice to be given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said District, (not interested in the premises,) any of whom may be required to attend such meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: *Provided*, that every award made under this Act shall be subject to be set aside, on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission

Company may contract for Land required for their Works;

Arbitrators for ascertaining value of Lands or amount of Damages;

Arbitrators to be sworn;

Award subject to Court of King's Bench;

Possession not to be assumed until payment made or tendered.

by the parties, in which case reference may be again made to Arbitrators, as hereinbefore provided; and that the said Company shall in no case take possession of any lands, the value of which shall be so awarded, unless payment be made according to the said award, or a tender thereof made to the party or parties therein interested.

When Harbour completed for reception of vessels, tolls may be demanded;

According to rates set forth.

IV. *And be it further enacted by the authority aforesaid*, That as soon as the said Harbour shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, as Tolls, to and for their own proper use and benefit, on all goods, wares and merchandize, shipped on board or landed out of any vessel or boat, from or upon any part of the Lake Shore between one-half mile north and one-half mile south of the Creek, in the Townships of Goderich and Stanley, in the said District of London, and upon all vessels and boats entering the said Harbour, according to the rates following, that is to say—Pot and Pearl Ashes, per barrel, six-pence; Pork, Whiskey, Salt, Beer and Lard, per barrel, four-pence; Flour, per barrel, three-pence; Merchandize, per barrel bulk, four-pence; Lard and Butter, per keg, one penny; Merchandize, per ton, five shillings; West India Staves, per thousand, two shillings and six-pence; Shingles, per thousand, three-pence; Shingle Bolts, per cord, two shillings and six-pence; Pipe Staves, per thousand, seven shillings and six-pence; Deals, per hundred pieces, two shillings and six-pence; Wheat, and other Grain, per sixty pounds, one penny; Lumber, per thousand feet, board measure, one shilling; Boats, under five tons, free; Boats and Vessels, above five, and under twelve tons, one shilling and three-pence; Boats and Vessels, above twelve tons, and not over fifty, two shillings and six-pence; Vessels, over fifty tons, five shillings; and that all articles not enumerated to pay in proportion to the above rates: *Provided nevertheless*, that the said Directors shall have power to reduce the said rates or tolls, should they see fit.

Harbour, &c. and Tolls, vested in the Company.

V. *And be it further enacted by the authority aforesaid*, That the said Harbour, moles, piers, wharves, buildings, erections, and all materials which shall be, from time to time, got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandize, as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company, and their Successors, for ever.

Power of the Company's officers, to enforce payment of Tolls;

VI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize and detain the

goods, vessels or boats, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, as aforesaid, may sell and dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and to return the overplus, if any, to the owner or owners thereof.

VII. *And be it further enacted by the authority aforesaid,* That the property, affairs and concerns, of the said Company shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their office for one year; which said Directors shall be Stockholders to the amount of at least six shares, being inhabitants of this Province, and to be elected on the second Monday in May in every year, at Port Bayfield, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in the Upper Canada Gazette, or in one Newspaper at the least, that shall be published in the said District of London, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose in their own proper persons, or by proxy, given by written authority; and all elections for such Directors shall be by ballot; and the five persons who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen at any such election, that two or more shall have an equal number of votes, in such a manner that a greater number of persons than five shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall, in like manner, proceed to another election, until it is ascertained which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of five; and the said Directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

VIII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following ratio, that is to say:—one vote for each share not exceeding four; five

votes for six shares ; six votes for eight ; seven votes for ten shares ; and one vote for every five shares above ten.

First election of Directors,
and period of service ;

Amount of Capital
necessary previous to
choice of Directors.

IX. *And be it further enacted by the authority aforesaid,* That on the second Monday in July after the passing of this Act, a meeting of the Stockholders shall be held at Port Bayfield, who, in the manner hereinbefore provided, shall proceed to elect five persons to be Directors, who shall continue in office until the second Monday in May next after their election, and who during such continuance shall discharge the duty of Directors in the same manner as if they had been elected at the annual election : *Provided*, that if shares to the amount of one thousand two hundred and fifty pounds, of the capital stock of the said Company, shall not be taken, then the said meeting shall not be held till that amount of stock shall have been taken up, and at least thirty days notice given in the Upper Canada Gazette, or in any one Newspaper to be published as aforesaid.

Capital limited to £2500 ;

In 200 shares ;

After first instalment paid,
shares may be trans-
ferred.

X. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value the sum of two thousand five hundred pounds, to be held in two hundred shares of twelve pounds ten shillings each ; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to any other person or persons ; and such transfer shall be entered and registered in a book or books kept for that purpose by the said Company.

Power of Directors to call
in instalments ;

Instalment not to exceed
£10 per cent.

XI. *And be it further enacted by the authority aforesaid,* That as soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice in the Upper Canada Gazette, or in any Newspaper that may be published in the said District, for an instalment of ten per centum upon each share which they or any of them respectively may subscribe ; and that the residue of the shares of the Stockholders shall be payable by instalments, in such time and in such proportion as a majority of the Stockholders at a meeting to be expressly convened for that purpose shall agree upon ; so as no such instalment shall exceed ten per centum, nor become payable in less than thirty days after public notice in the Upper Canada Gazette, or in any Newspaper that may be published in the said District : *Provided always*, that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid.

XII. *And be it further enacted by the authority aforesaid,* That if any Stockholder as aforesaid shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors as due upon any share or shares, such Stockholder so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company: *Provided always,* that the purchaser shall pay the said Company the amount of the instalments required over and above the purchase money of the share or shares so purchased by him as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such share or shares so purchased as aforesaid: *Provided always, nevertheless,* that thirty days notice of the sale of such forfeited stock shall be given in the Upper Canada Gazette, or in any Newspaper that may be published in the District of London, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Forfeiture of Stock on non-payment of instalments;

Notice of sale of forfeited stock.

XIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company, as to them or the majority of them shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the books, and to be open to the perusal of any Stockholder at his reasonable request.

Annual dividends.

XIV. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing the said Harbour, Her Majesty, Her Heirs and Successors, may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, together with such further sums as will amount to twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such Company; and the said Harbour shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province, that may be passed of or respecting the same: *Provided*

Harbour, &c. may be assumed by the Crown after fifty years, on certain conditions.

always, that it shall not be lawful for Her Majesty, Her Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

After assumption of
Harbour, tolls to be paid
to Receiver General.

XV. *And be it further enacted by the authority aforesaid*, 'That from and after the period when the possession of the right, interest and property, in and to the said Harbour shall have been assumed by Her Majesty, Her Heirs or Successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of Her Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within two years, and completed within seven years after the passing of this Act: otherwise this Act and every matter and thing herein-contained shall cease, and be utterly null and void.

Legislature may alter this
Act

XVI. *And be it further enacted by the authority aforesaid*, 'That it shall remain in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto, which may seem to them expedient.

CHAP. XL.

AN ACT to amend an Act entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company."

[Passed 11th May, 1839.]

Preamble.

WHEREAS by an Act passed in the first year of the reign of Her present Majesty Queen Victoria, Chapter thirty-two, entitled, "An Act to incorporate certain persons under the style and title of the Waterloo Bridge Company," it was provided, "that the said Company be and they are hereby authorised and empowered, at their own cost and charges, to

erect a good and substantial Bridge over the Grand River, at or near the residence of Christian Shantz, the elder, in the Township of Waterloo, in the District of Gore, which Bridge shall be at least twenty-five feet in width": *And whereas* the said Bridge has been erected only twenty feet in width, owing to the timber used on said Bridge, and which was prepared before the passing of the said Act, not permitting it to be constructed of a greater width: *And whereas* it is expedient under the circumstances to indemnify the said Company, and to amend the said Act: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Waterloo Bridge Company shall have the like privileges, advantages and powers, under the said Act, as if the said Bridge had been constructed at least twenty-five feet in width, and no other or greater.

Company indemnified,
and Waterloo Bridge
Act amended.

II. *And be it further enacted by the authority aforesaid*, That any person shall be eligible as a Director of the said Company who shall be a Stockholder to the amount of two shares and upwards, any thing in the said Act contained to the contrary in anywise notwithstanding.

Qualification of
Directors.

CHAP. XLI.

AN ACT to alter and amend an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank."

[Passed 11th May, 1839.]

WHEREAS it is provided in the first section of the Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled "An Act to incorporate sundry persons under the style and title of the President, Directors and Company, of the Gore Bank," that no Incorporated Company shall be permitted to hold any Stock in the Corporation created by the said Act, unless the same shall be conveyed to it

Preamble.

Restriction against
Corporate Body holding
Stock in the Gore Bank,
repealed.

Corporate Companies
holding Stock not entitled
to vote for Directors.

in payment of debts previously contracted, in which case such Incorporated Company shall not be entitled to vote upon such Stock in the election of Officers: *And whereas*, it is expedient to repeal the said enactment: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make farther provision for the Government of the said Province,'" and by the authority of the same, That so much of the said clause as provides that "no Incorporated Company shall be permitted to hold any Stock in the said Corporation created by this Act, unless the same shall be conveyed to it in payment of debts previously contracted, in which case such Incorporated Company shall not be entitled to vote upon said Stock in the election of Officers," be and the same is hereby repealed: *Provided always*, that nothing in this Act contained shall authorise any Incorporated Company, holding any Stock in the said Bank to vote for the election of any Directors of the said Bank; or in case any Stock now held by any such Incorporated Company shall be sold or transferred previous to the next election of Directors, such purchaser or the holder of such Stock shall not be entitled to vote for Directors, or be eligible to be elected a Director at the ensuing election of Directors for the management of the affairs of the said Bank.

CHAP. XLII.

AN ACT to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the same.

[Passed 11th May, 1839.]

Preamble.

WHEREAS the period for the completion of the Harbour at Cobourg has expired: *And whereas*, it has been found impracticable to complete the same within the period allowed for that purpose, or for the sum limited by the Act of Incorporation, in consequence whereof it is deemed expedient to extend the said period for the completion of the said Harbour, and to increase the Capital Stock of the Cobourg Harbour Company: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and

under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make farther provision for the Government of the said Province,'" and by the authority of the same, That the said Act of Incorporation shall be and is hereby revived, and the period for the completion of the said Harbour shall be and is hereby extended to four years from and after the passing of this Act.

Time for completion of
Cobourg Harbour
extended.

II. *And be it further enacted by the authority aforesaid,* That the Capital Stock of the said Company shall be increased to Ten Thousand Pounds, in shares of twelve pounds ten shillings each, to be subscribed for in such manner as the Directors shall appoint, of which due notice shall be given in some Newspaper of the District.

Stock increased to
£10,000.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors of the said Company, and they are hereby required to pay annually out of any surplus profits they may receive, and before any dividend is made upon the stock of the said Company, the interest now due, or which may hereafter become due on the loans made to the said Company by the Province: *Provided always,* that nothing herein-contained shall be taken or construed to interfere with any security given for the re-payment of the said loans to the said Company.

Annual payments of
interest on loans previous
to making any dividends.

CHAP. XLIII.

AN ACT to authorise the Magistrates of the Midland District to borrow a sum of money, to build a wall around the Gaol and Court House of the Midland District.

[Passed 11th May, 1839.]

WHEREAS sundry inhabitants of the Midland District have by petition set forth, that it is highly desirable that a wall should be erected around the Midland District Gaol, in the Town of Kingston, as well for the purpose of affording the benefits of air and exercise to the prisoners confined therein, from which they are now necessarily excluded, as for the more secure custody of the said prisoners, and also for the construction of a Guard-House connected therewith, and it is expedient that the prayer of

Preamble.

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the said petition should be complied with: *And whereas*, the present state of the funds of the said Midland District does not admit of its being done, and it is therefore expedient that the Justices of the Peace for the said District should be allowed to borrow a sum of money for that purpose: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Justices of the Peace for the said Midland District, to contract with such persons as may be willing to advance the same upon the credit of the District funds, for the loan of a sum of money, not exceeding one thousand pounds, for that purpose.

Justices of Midland District may contract for loan of £1,000.

Their power in respect to payment of interest.

II. And for discharging the principal and interest of the loan so contracted for as aforesaid: *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace for the said Midland District, in Quarter Sessions assembled, to make such order with respect to the re-payment of such principal and interest as the state of the funds of the said District may warrant.

Loan to be applied to building Wall, &c. for security of Gaol.

III. *And be it further enacted by the authority aforesaid*, That the said sum so borrowed shall be paid into the hands of the Treasurer of the said Midland District, to be by him paid to the order of such Committee as may be appointed by the Magistrates of the said District, in General Quarter Sessions assembled, to be by them applied for the building of the said wall, the erection of the said Guard House, and making the Gaol ground secure for the safe keeping of the prisoners, and to no other purpose whatsoever.

CHAP.

CHAP. XLIV.

AN ACT to authorise the Magistrates of the Home District to borrow a sum of Money, for the purpose of completing the new Gaol and Court House.

[Passed 11th May, 1839.]

WHEREAS by Letters Patent under the Great Seal of this Province, bearing date the Twenty-ninth day of April, One Thousand Eight Hundred and Nineteen, a certain Lot of Land, in the City of Toronto, containing about four acres, and known as the Gaol and Court House block, was granted to Grant Powell, Alexander McDonell, and D'Arcy Boulton, the younger, in trust, for the purposes of a Gaol and Court House for the Home District; and upon the further trust to convey the same to such person or persons as the Magistrates of the said District, in General Quarter Sessions assembled, might from time to time direct and appoint: *And whereas* the present Gaol for the said District, erected upon part of the said Gaol and Court House block, having become unsafe, the said Magistrates of the Home District were, by an Act of the Parliament of this Province, passed in the seventh year of His late Majesty's reign, entitled, "An Act to authorise the Magistrates of the Home District to erect a new Gaol within the said District," duly authorised and empowered to erect and build such new Gaol and Court House, and in order to raise the funds for such purpose, the said Trustees, or their successors in the said trust, under the direction and appointment of the said Magistrates in General Quarter Sessions assembled, have sold and conveyed parts of the said Gaol and Court House block to divers individuals the purchasers thereof, for valuable consideration: *And whereas* doubts have arisen how far, under the said Patent, the said Trustees were authorised to make such sales or conveyances, and it is expedient to quiet such doubts, and also enable the Magistrates of the said District to borrow a sum of money for the erection and completion of the said new Gaol and Court House: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same,

Preamble.

7th Wm. 4, c. 40, recited.

Sales of Court House
Block declared valid;

Trustees empowered to
alienate unsold residue;

Application of proceeds.

That for and notwithstanding any thing in the said Letters Patent contained, the Trustees aforesaid, or their successors in office, shall be held and taken to have heretofore had full power and authority, under the direction of the Magistrates of the Home District in Quarter Sessions assembled, to sell, alienate and convey, the said Gaol and Court House piece of ground and premises, and every part thereof, freed and discharged of and from all trusts, provisions and restrictions, in the said Letters Patent; and that all such alienations shall be held and taken to be good and valid in Law and Equity; and further, that the said Trustees, or their successors in office, shall from henceforth hold the said parcel of land and premises, or such parts thereof as shall remain unsold or undisposed of, upon trust, by sale, lease, mortgage, or other disposal of the same, to raise and create a fund for the erection of the said new Gaol and Court House, and for the redemption and payment of any debt which has been incurred, or which shall be incurred in the erection thereof; and after the expenditure upon the erection of the said new Gaol and Court House shall be fully defrayed and satisfied, then to dispose of the said piece and parcel of ground, or such part thereof as shall remain unsold or undisposed of, in such manner and for such public uses of the said District as the Magistrates of the said District, in Quarter Sessions assembled, shall from time to time direct and appoint.

Magistrates authorised to
raise a loan for purposes
of new Gaol.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Magistrates of the Home District, in General Quarter Sessions assembled, to authorise and direct the Treasurer of the said District, by an order of Court, to raise by loan, from such person who may be willing to lend the same upon the security of the said Gaol and Court House block, and of the monies arising or to arise from sales heretofore made of any portions thereof, a sum not exceeding fifteen thousand pounds, to be applied in the erection of the said new Gaol and Court House.

Proceeds of Sales of Court
House Block to be applied
in liquidation of loan.

III. *And be it further enacted by the authority aforesaid,* That all monies derived from the sale of the said Gaol and Court House block by the said Trustees, or their successors in the said trust, shall be paid into the hands of the Treasurer of the said Home District, for the time being, to be applied by him in the liquidation of the said loan so to be made as aforesaid.

Interest on loan not to
exceed £6 per cent.

IV. *And be it further enacted by the authority aforesaid,* That the money so borrowed under the authority of this Act, shall not bear greater interest than six per centum per annum.

CHAP. XLV.

AN ACT to establish a second Market in the Town of Hamilton, to enable the Corporation of the said Town to effect a loan, and for other purposes therein-mentioned.

[Passed 11th May, 1839.]

WHEREAS by an Act of the Parliament of this Province, passed in the third year of the reign of His late Majesty King William the Fourth, entitled, "An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein," a Board of Police was established in the said Town, under the corporate name of "The President and Board of Police of Hamilton": *And whereas*, by the twenty-eighth section of the said Act it was provided, that a Market for the said Town should be established in manner therein-mentioned, and that the plot or piece of ground required for such Market should not be less than one acre: *And whereas*, the said Corporation was authorised by the said Act to borrow the sum of one thousand pounds for the purpose of building a Market House, and other purposes therein-mentioned: *And whereas*, a Market for the said Town was established under and in pursuance of the said Act, but owing to the rapid growth and increase of the said Town, it has become necessary for the convenience of the inhabitants that a second Market should be established therein, in a more convenient and central situation, and that the said Corporation should be enabled to take and hold one or more parcel or parcels of ground for that purpose, not exceeding in all three acres, and to borrow a further sum of one thousand pounds for the public uses of the said Town: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That a second Market shall be established in the said Town of Hamilton; and that it shall and may be lawful to and for the said Corporation to hold in their corporate capacity one or more parcel or parcels of ground for that purpose, not exceeding in all three acres, and to take and receive a conveyance of the same in such manner and on

Preamble.

Second Market established;

Corporation empowered to hold land for purpose of Market.

such terms as the said Corporation shall deem advisable, and to perfect any conveyance of land they may have already obtained for that purpose; and that for the purpose of holding such lands or any portion thereof, and taking a conveyance for the same, the said Corporation shall be deemed, and holden to be, and to have been fully competent and authorised by law at all times since the thirteenth day of April, which was in the year of our Lord one thousand eight hundred and thirty-seven, any law or usage to the contrary notwithstanding.

Authority to borrow
further sum of £1,000.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said Corporation to borrow on the security of the said Town, the further sum of one thousand pounds, from any person, to be payable in such sums and at such periods (not exceeding ten years from the time of such borrowing) as may be agreed upon between the said Corporation and the party lending the same, to be applied in paying off the debts of the said Corporation, and otherwise for the benefit of the said Town, as the said Corporation shall from time to time deem most prudent and advisable.

Corporation may establish
Rules and By-Laws for
regulation of Markets.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said Corporation to make and ordain such wholesome and reasonable rules, regulations and by-laws, touching the Markets of the said Town of Hamilton, and for the government and management thereof, as they may deem wholesome and necessary, and from time to time to amend, alter and repeal the same, as occasion may require: *Provided always*, that such rules, regulations and by-laws, shall in no respect be at variance with the laws of this Province.

CHAP. XLVI.

AN ACT to authorise the Trustees of the Market Reserve in the Town of Niagara, to raise a sum of money for certain purposes therein-mentioned.

[Passed 11th May, 1839.]

Preamble.

WHEREAS it appears by petition from Robert Dickson, John Claus, and Lewis Clement, Esquires, Trustees of the Niagara Market reservation, that the present Market House in the said Town is insufficient in size, and wholly unfit for the purposes for which it was built, and that the said Trustees are desirous of borrowing one thousand five hundred

pounds upon the security of the said reservation, for the purpose of erecting a new and more commodious building for a Market House, and other public purposes : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said Robert Dickson, John Claus, and Lewis Clement, or their successors in the trust, and they are hereby authorised and empowered to borrow a sum of money, not exceeding the sum of fifteen hundred pounds, to be by them appropriated and applied in the erecting a good and sufficient building of brick, stone or wood, on lots number sixty-five and sixty-six, as designated in the original Town plot, of such dimensions for a Market House, and for such other public useful purposes as they, the said Trustees or their successors, may deem it expedient and profitable to apply the same besides that of a Market House, and for the increase of the Market rents and profits.

Trustees empowered to borrow £1,500.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Robert Dickson, John Claus and Lewis Clement, and their successors in office of the trust, and they are hereby authorised and empowered to mortgage or place in security the said lots number sixty-five and sixty-six, to any person willing to lend the said sum of fifteen hundred pounds, on such terms as may be mutually agreed upon, for the purpose of securing the re-payment thereof with interest, such interest not to exceed six per centum per annum; saving and excepting, nevertheless, to all and every lessee, tenant or their assignees, now entitled to the occupation or interest of or in any lot heretofore leased, all those privileges and advantages vested in them, or which they or their assignees may be entitled to under and by virtue of any original lease heretofore at any time granted.

Market reservation may be mortgaged to secure the money borrowed under this Act.

III. *And be it further enacted by the authority aforesaid*, That the said Trustees shall and they are hereby required to make a return annually to the Quarter Sessions, in and for the said District of Niagara, of all monies by them received and expended, and of the state of the Market in said Town : the first return to be made at the Quarter Sessions, to be holden after the first day of December next.

Trustees to make Annual Returns to Quarter Sessions.

CHAP. XLVII.

AN ACT for making, repairing and improving, the Road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon.

[Passed 11th May, 1839.]

Preamble.

WHEREAS the public road or highway from Amherstburgh to Sandwich, and also that from Sandwich to Chatham, in the Western District, have become unfit to travel on, and it is not only dangerous but almost impossible to pass over the same by reason of the dilapidated state thereof, and of the decay and destruction by floods and otherwise of the bridges thereon; *And whereas* certain persons, inhabitants of the said District, have petitioned the Legislature for a sum of money to enable them to make, repair, improve and complete, the said roads; *And whereas* it is of great importance to that part of the Province, both in a civil and military point of view, that there should be a good road and highway from the Town of Amherstburgh to the Town of Sandwich, and from thence along the shore of the River Detroit, Lake Saint Clair and the River Thames, or as near thereto as may be, to the Town of Chatham aforesaid, in the said District: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Receiver General of this Province, as soon after the passing of this Act as may be deemed expedient, to raise by way of loan, from any person who may be willing to advance the same, on the credit of the tolls to be levied and collected on the roads and bridges hereby authorised to be made and improved, and the other securities provided by this Act, and not paid or chargeable against the general revenue of this Province, any sum or sums of money, not exceeding in the whole Three Thousand Pounds; which said sum of Three Thousand Pounds shall be appropriated as follows, (that is to say,) to construct, make, repair, improve and complete the public road and highway and the bridges thereon, from the Town of Amherstburgh

Receiver General
authorised to raise loan of
£3,000 for purposes of
this Act;

Appropriation.

to the Town of Sandwich, and from the said Town of Sandwich to the Town of Chatham, in the Western District, along the shores of the River Detroit, the Lake Saint Clair and the River Thames, or as near thereto as may be.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to cause or direct any number of Debentures to be made out for such sum or sums of money, not exceeding in all the sum of three thousand pounds, as any person shall agree to advance on the credit of the tolls and other securities provided by this Act, which Debentures shall be made out and prepared in such manner and form as the said Receiver General shall think most safe and convenient, and shall be signed by him.

Debentures to be issued by Receiver General.

III. *And be it further enacted by the authority aforesaid,* That the tolls collected on the said road shall be applied solely to the payment of the interest and principal of such Debentures, and for no other purpose whatever, until the full amount of three thousand pounds, with the interest thereon, shall be fully paid and satisfied.

Tolls to be applied solely in payment of Debentures.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Receiver General for the time being, to pay such sum and sums of money out of the said loan so to be raised as aforesaid, as the Trustees hereinafter to be appointed may require, either for such parts of the work as may from time to time be completed, or for such materials from time to time furnished, on such Trustees certifying that such sum or sums, not exceeding in the whole the said sum of three thousand pounds, are necessary to enable them to proceed in the due execution and completion of the work.

Money raised to be paid to Trustees appointed under this Act.

V. *And be it further enacted by the authority aforesaid,* That the interest due upon the said loan or Debentures shall be payable at half-yearly periods, to be computed from the date thereof, out of the funds hereafter provided, and shall be paid by the Receiver General for the time being, who shall take care to have the same endorsed on each Debenture at the time of payment thereof, expressing the time up to which the said interest shall have been paid, and shall take receipts for the same respectively.

Interest on loans to be paid half-yearly.

VI. *And be it further enacted by the authority aforesaid,* That the Trustees of the said road hereinafter appointed, shall have full power and authority to cause the necessary surveys and estimates thereof to be made preparatory to the commencement of the said improvement; and to

Powers of Trustees;

To procure surveys and estimates;

To contract, erect Toll
Gates, &c.

employ and pay a Civil Engineer to superintend the work, if they deem it necessary so to do; and by public tenders or otherwise, as they shall deem most advantageous, to contract for the construction and completion of any part of the said road, or for the erection of toll-gates and toll-houses, with their appurtenances, or for the supply of any part of the materials for the same, for the due performance of which contracts the said Trustees shall demand and take such security as they shall deem safe and reasonable in each case.

Further powers, in rela-
tion to course and
construction of Road,
erection of Bridges, &c.;

VII. *And be it further enacted by the authority aforesaid,* That the said Trustees shall, and they are hereby authorized to cause the said highways or roads, and the several bridges on the same, to be constructed and amended, widened or repaired, improved and completed, in such manner as they shall think proper, and to settle the direction of the said road, or to alter or shorten the same, and to remove or alter the present bridges thereon, or any or either of them, and to make and erect any new bridge or bridges at their discretion, for the purpose of rendering the said roads more accessible to travel, and to cut drains contiguous thereto, to make passage for the waters discharged from such ditches or trenches through the lands or premises of any adjacent proprietor, and also to keep clear such drains, ditches, passages and outlets; and it shall be lawful for the workmen and labourers authorised by them to go upon the said lands for that purpose: *Provided always,* that reasonable satisfaction be made to the owner or occupier of such lands or premises for the damages done thereby; and that for this purpose the said Commissioners shall appoint three of their number to assess all damages claimed under the provision of this Act, and who before entering upon the discharge of that duty, shall be sworn before some one of Her Majesty's Justices of the Peace for the Western District, well and truly to assess the damages according to the best of their judgment, and whose duty it shall be, when assessing the damages done to any individual through whose lands such road may pass, to take into their consideration the benefit (if any) accruing or likely to accrue to such person, by reason of the said road being carried through his lands.

May enter upon lands;

Compensation for
damages to be assessed
by Commissioners;

Advantages derived from
the Road to be taken into
consideration.

Adjoining inhabitants may
commute for statute
labour.

VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living within one-half mile on either side of the said road, and who by the existing laws of the Province are liable to perform statute labour, shall and they are hereby required to commute the same, and pay the amount in money at the rate of two shillings and six-pence per day for every day for which they are assessed.

IX. *And be it further enacted by the authority aforesaid,* That the Overseers of highways in the several divisions through which the said road shall pass, shall have full power and authority, and they are hereby required within their respective divisions, to demand and receive the amount of commutation money to be paid under this Act; and in case any person shall neglect or refuse to pay the same for the space of fourteen days after it shall be so demanded, the Overseer of the division shall proceed to collect it in the same manner as he is authorized by law to collect other arrears and forfeitures by virtue of this Act.

Commutation money to be collected by the overseers.

X. *And be it further enacted by the authority aforesaid,* That if any Overseer of highways shall fail or neglect to collect and pay over the commutation money as aforesaid, when required by the Trustees so to do, he shall be liable to the same penalty as is imposed for any other neglect or omission of his duty by the law in such case provided, to be levied and collected in the same manner.

Liability of overseers for neglecting to collect or pay over money.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the said road, or for such persons as they shall appoint, to ask for and receive from the several overseers aforesaid, any monies collected by them.

Trustees authorised to receive monies collected.

XII. *And be it further enacted by the authority aforesaid,* That the amount raised by such commutation of statute labour shall be expended and applied by the Trustees as follows, that is to say: so much thereof as the said Trustees shall think just and necessary on the side or branch roads leading to the main road as they may think advisable, and the remainder to go to the general fund for erecting and keeping in repair toll-gates, toll-houses, and their appurtenances, and for making, repairing, and keeping in good repair and order, the said road and highway, and the several bridges thereon.

Application of monies raised by commutation of Statute labour.

XIII. *And be it further enacted by the authority aforesaid,* That the following persons be the Trustees for the said road, with full powers to carry into effect the purposes of this Act: viz. John Prince, Francis Caldwell, William McCrae, Robert Reynolds, William Anderton, John A. Wilkinson, Joseph Woods and P. P. Lacroix, Esquires; and Messrs. Chrysostom Pajot, Francis Drake, and Norman Freeman; who shall have power to erect such a number of toll-gates on or across the said road as to a majority of the said Trustees may appear requisite; and to fix such tolls as may be found necessary and expedient to answer the purposes of this Act; which rates or tolls may be by them altered as circumstances from time to time may require: *Provided always,* that the said Trustees

Trustees nominated;

Their authority in relation to Tolls, &c.

shall have power to make such equitable arrangement with any person desiring or having occasion merely to cross the said road, and without any intention to evade the tolls, as to them may appear just and reasonable.

First Meeting of Trustees
for election of Chairman,
&c.

XIV. *And be it further enacted by the authority aforesaid,* That the Trustees of the said road shall meet at the Town of Sandwich, on the second Tuesday in July next ensuing, and elect one of their number to act as Chairman for the ensuing year; and all subsequent times and places of meeting shall be in the discretion of a majority of the said Trustees.

Majority of Trustees may
act.

XV. *And be it further enacted by the authority aforesaid,* That all acts, proceedings, matters and things, relative to the execution of the trusts in the said Trustees vested, may be done and executed by a majority of them.

Tolls collected to be paid
to Receiver General once
in three months.

XVI. *And be it further enacted by the authority aforesaid,* That all the monies collected at the different toll-gates on the said road shall be paid by the Collectors to the Trustees aforesaid, when required by them so to do, and that it shall be the duty of the said Trustees to pay the same over to Her Majesty's Receiver General, (after deducting the toll-gate Keeper's salary or wages, and any other reasonable expenses,) at least once in three months, to be by him applied to the payment of the interest on the said loan as it becomes due, and the overplus to be applied to the redemption of the principal.

Amount of Tolls to be
levied.

XVII. *And be it further enacted by the authority aforesaid,* That the Trustees be and they are hereby required to levy such tolls as may be necessary, to pay the principal and interest of the respective sums loaned for the purposes of this Act, within the term of thirty years.

Deficiency in Tolls to be
raised by assessment on
Western District;

Justices may in such case
order additional rate.

XVIII. *And be it further enacted by the authority aforesaid,* That in order to raise the sum necessary to meet any deficiency left by the tolls for the purposes of this Act, an amount sufficient to cover such deficiency shall be raised, levied and collected, from the inhabitants of the Western District aforesaid, paying, or liable to pay, the ordinary taxes now by Law imposed; which additional rate shall be paid in the same manner as other taxes, to the Collectors of the several Townships in the said District, and paid by them to Her Majesty's Receiver General; which said additional rate shall be raised, levied and collected, under and by virtue of any order of the Magistrates in Quarter Sessions assembled, made in pursuance of any application of the Receiver General of this Province for that purpose, upon its being made to appear to the satisfaction of the said Justice that the:

interest upon the said loan cannot be otherwise paid and discharged under the provisions of this Act.

XIX. *And be it further enacted by the authority aforesaid, That if it shall at any time happen, that the interest on the sum of money raised under the authority of this Act shall be in arrears and unpaid, in consequence of the tolls and other means hereinbefore provided for the payment thereof proving insufficient to meet the same, it shall and may be lawful for Her Majesty's Receiver General, from and out of the public monies in his hands, applicable for the public uses of the Province, to advance such sum as may be necessary to pay off any balance in arrear on account of such interest, on receiving from the Lieutenant Governor of this Province a warrant for that purpose ; which warrant shall and may be issued at any time upon application made to the Lieutenant Governor by the Trustees for that purpose.*

Deficiency for payment of interest on loans may be advanced by Receiver General.

XX. *And be it further enacted by the authority aforesaid, That any sum of money so advanced by the Receiver General as aforesaid, shall be charged against the Trustees of the said road, and shall be repaid in the same manner as other monies borrowed for the other purposes of this Act.*

Repayment of advances by Receiver-General.

XXI. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Trustees to raise such tolls on the said road, from and after the expiration of fifteen years from the passing of this Act, as will enable them to keep such road in repair, pay the interest on the said loan, and redeem the principal sum of three thousand pounds within a period of not less than thirty years from the passing of this Act.*

After fifteen years' Tolls may be raised for repairs of Road, &c. and payment of money borrowed.

XXII. *And be it further enacted by the authority aforesaid, That nothing in this Act contained shall be construed to prevent the Receiver General from issuing any Debenture, authorized to be issued by this Act, redeemable at a shorter period than thirty years from the date of any such Debenture, and issuing other Debentures for a renewed loan to replace the same, or any part thereof, so that the whole sum of Three Thousand Pounds be liquidated within the aforesaid period of thirty years.*

Debentures may be redeemed within 30 years, and renewed loans effected.

XXIII. *And be it further enacted by the authority aforesaid, That no person shall leave any waggon, cart or carriage, or shall lay, or cause to be laid or left, any matter or thing creating, or likely to create, an obstruction of any kind or nuisance upon the said Road, or in any of the ditches or drains thereof; and any persons offending shall for every such offence forfeit and pay the sum of twenty shillings currency.*

Penalty for causing obstructions on the road.

Collection of fines and
forfeitures.

XXIV. *And be it further enacted by the authority aforesaid,* That the fines and forfeitures authorized to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant, to be for that purpose issued by any one of Her Majesty's Justices of the Peace for the said Western District, who are hereby authorized and empowered to grant the same.

Penalties for injuring
property, or forcibly
passing Gates without
payment of Tolls.

XXV. *And be it further enacted by the authority aforesaid,* That if any person shall cut, break down or otherwise destroy, any of the Toll Gates, or any Toll House to be erected by virtue of this Act, or any of the premises and appurtenances belonging thereto respectively, every person so offending, and lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person shall remove any sand, gravel, earth, stone or timber, from or on the said Road, to the damage of the same, or shall wilfully wade, or forcibly pass, or attempt to pass by force, any of the Gates without having first paid the legal toll at such Gate, such person shall pay all damages by him committed, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings currency, to be recovered before any Justice of the Peace of the Western District, in the same manner as any other fines are recoverable before Justices of the Peace.

Commutation of Tolls;

Table of Tolls to be
exhibited.

XXVI. *And be it further enacted by the authority aforesaid,* That the said Trustees, if they think proper, may commute the Tolls with any person by taking of him a certain sum either monthly or annually in lieu of such Tolls; and the said Trustees shall affix in a conspicuous place at the Toll Gates, a table of the rates or tolls to be exacted and taken, to be plainly and legibly printed.

Penalty for quitting the
road for the purpose of
avoiding a Toll Gate.

XXVII. *And be it further enacted by the authority aforesaid,* That if any person shall, after proceeding upon the said Road with any of the carriages or animals liable to the payment of toll, turn out of the same into any other road, and shall re-enter the said road beyond the Turnpike Gate without paying toll, whereby such payment shall be evaded, such person shall, for every such offence, forfeit and pay the sum of five shillings, which shall be expended on the said road, or toward the payment of the Principal or Interest of the sum expended thereon, and any one Magistrate of the Western District shall, on conviction of such offender, fine such person in the said penalty, and levy such fine in the manner aforesaid, and from whose Judgment there shall be no appeal.

Penalty on owners of land
assisting in the evasion of
Toll Gates.

XXVIII. *And be it further enacted by the authority aforesaid,* That if any person occupying any enclosed lands near to any toll house or toll gate

to be erected in pursuance of this Act, shall knowingly permit or suffer any person to pass through such lands, or through any gate, passage or way thereon, with any carriage, or with any horse, mare, gelding or other animal, liable to the payment of toll, whereby such payment shall be avoided, every person so offending, and also the person riding or driving the animal or carriage avoiding such payment, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving the road aforesaid.

XXIX. *And be it further enacted by the authority aforesaid,* That all persons, horses and carriages, going to or returning from the funeral of any person, shall be allowed to pass any toll-gate on the said road free of toll. Funerals excepted.

XXX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor of this Province, from time to time, by commission under his hand and seal, to nominate and appoint such person as he may think fit to fill any vacancy which may happen in the Board of Trustees appointed by this Act, by death, resignation or otherwise. Vacancies in Trustees may be supplied by Lieutenant Governor.

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees acting under the authority of this Act, if they think it advisable and advantageous to the public interest, to demise and lease, from year to year, the different toll-gates erected by virtue of this Act on the road under their charge, to such individual or individuals as shall, after due notice given for that purpose, offer the highest terms for the same, upon such conditions as to a majority of them shall seem meet. Trustees may lease Toll Gates.

XXXII. *And be it further enacted by the authority aforesaid,* That the money authorised to be issued by this Act shall be paid by the Receiver General, in discharge of such warrant or warrants as may for that purpose be issued by the Lieutenant Governor of this Province; and shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors, may be pleased to direct. Money to be issued by Receiver General under Lieutenant Governor's Warrant; And accounted for to Commissioners of Treasury.

XXXIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Trustees, and they are hereby required to report in detail, at the close of every year, to the Lieutenant Governor of this Province, for the information of the Legislature, the sums they have Annual Report by Trustees.

received and expended, together with the amount of tolls received, with the proper vouchers for the disbursements by them made.

Commencement of
operations under this Act.

XXXIV. *And be it further enacted by the authority aforesaid, That the Trustees of the said road should have power to cause the necessary surveys to be made thereof, and also to have the said road drained, and all necessary bridges and culverts made, as soon after the passing of this Act as they, or a majority of them, may deem advisable for the public good.*

CHAP. XLVIII.

AN ACT granting to Her Majesty a sum of money to improve the Cayuga Road, from Drummondville to Simcoe.

[Passed 11th May, 1839.]

Preamble.

£1000 granted for
improvement of Cayuga
road.

WHEREAS it is important to the commercial and agricultural interests of this Province, as well as necessary for the military defence thereof, that the Cayuga Road, leading from Drummondville, in the Niagara District, to the Town of Simcoe, in the District of Talbot, should be improved : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Lieutenant Governor of this Province, from and after the passing of this Act, to authorise Her Majesty's Receiver General to pay the sum of One Thousand Pounds, Currency, out of such monies as may be in his hands, and unappropriated, to the persons hereinafter authorised to receive the same, to be expended in improving such parts of the Cayuga road leading from Drummondville to Simcoe aforesaid, on such parts of the same, and in such manner, as the Commissioners hereinafter named may deem most for the public good.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid, That Samuel Birdsall, of Canboro' ; David Thompson, of Indiana ; and Lesslie Bat-*

tersby, of Cayuga, be and they are hereby appointed Commissioners to receive and expend the said sum of one thousand pounds, in the manner before mentioned; and shall render accounts in detail, with proper vouchers, to the Lieutenant Governor, for the information of the Legislature.

CHAP. XLIX.

AN ACT granting a sum of money, to complete the construction of a Macadamized Road, from the Village of Dundas to the Township of Waterloo, in the Gore District.

[Passed 11th May, 1839.]

WHEREAS by an Act passed in the seventh year of His late Majesty's reign, chapter seventy-nine, entitled, "An Act to authorise the construction of a Macadamized Road, from Dundas to Waterloo, in the Gore District," the Receiver General of this Province was authorised to advance, by way of loan, to certain Trustees therein named, the sum of twenty-five thousand pounds, for the purpose of Macadamizing the road leading from the Desjardin's Canal, in the Village of Dundas, to the Township of Waterloo, in the District of Gore; and also a branch of the said road where the Galt road intersects it, crossing the bridge at Galt, to the Township line of Waterloo: *And whereas* by the report of the Engineers employed, it appears that the said sum of twenty-five thousand pounds is insufficient to complete the said road, in the substantial manner contemplated: *And whereas* it appears that the said road has been commenced at various points or sections, which cannot be completed or united without a further grant: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said Receiver General, by and with the advice and consent of the Lieutenant Governor in Council, so soon after the passing of this Act as the same can be procured, to raise by way of loan, and advance to the same Trustees, the further sum of

Preamble.

£8,000 to be raised for purposes of this Act.

Eight Thousand Pounds, to be applied to the purposes of the Act above-mentioned, and no other.

Provisions of 7, Wm. 4, c. 79 to apply to Loan authorized by this Act.

II. *And be it further enacted by the authority aforesaid*, That all and every the provisions of the before-mentioned Act, entitled, "An Act to authorise the construction of a Macadamized Road, from Dundas to Waterloo, in the Gore District," respecting the payment of the money so to be advanced to the said Trustees, the payment of the interest, the securities to be given, the re-payment of the principal, and every other matter and thing therein contained, shall apply to and be in force with respect to this Act.

CHAP. L.

AN ACT granting a further sum, by way of loan, to complete the Hamilton and Brantford Road, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

Preamble.

WHEREAS by the Act passed in the seventh year of His late Majesty's reign, entitled, "An Act to raise a sum of money to Macadamize the main road leading from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned," the Receiver General of this Province was authorised to advance, by way of loan, to certain Trustees therein named, the sum of Thirty Thousand Pounds, for the purpose of Macadamizing the road leading from the Town of Hamilton, to the Town of Brantford, in the District of Gore: *And whereas* by the report of the Engineer employed, it appears that the said sum of Thirty Thousand Pounds is insufficient to complete the said road, and to unite it with that of Dundas and Waterloo: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the said Receiver General, by and with the consent of the Lieutenant Governor in Council, so soon after the passing of this Act as the same can be procured, to raise by way of loan, and advance to the

Further loan of £10,000 for purposes of this Act.

same Trustees, a further sum of Ten Thousand Pounds, to be applied to the purposes of the Act above-mentioned, and to unite said road with that of Dundas and Waterloo.

II. *And be it further enacted by the authority aforesaid,* That all and every of the provisions of the before-mentioned Act, entitled, "An Act to raise a sum of money to Macadamize the main road from Hamilton to Brantford, in the District of Gore, and for other purposes therein mentioned," respecting the payment of the money so to be advanced to the said Trustees, the payment of the interest, the securities to be given, the re-payment of the principal, and every other matter and thing therein contained, shall apply to and be in full force with respect to this Act, except the tenth, eleventh, twelfth, thirteenth and fourteenth, clauses of said Act, which said clauses shall be and the same are hereby repealed.

Provisions of 7 Wm. 4. c. to apply to Loan hereby authorized:

Except sections 10, 11, 12 13 and 14, which are repealed.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, all persons living immediately on either side of said road, and who by the existing laws of this Province are liable to perform statute labour, shall and they are hereby required to commute the same, and pay the amount in money, at the rate of two shillings and six-pence per day for every day for which they are assessed; and that it shall and may be lawful for the Trustees aforesaid, or for such person as they shall appoint, to ask and receive from the said inhabitants the amount of money they are required to commute.

Residents near the Road may commute for Statute Labour;

Trustees authorized to receive commutation money.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Trustees, if a majority of them shall think proper, to Macadamize the road commencing at or near John Binkley's, and terminating at the Macadamized road leading from Dundas to Waterloo, in the same manner, and under the same rules and regulations, as that from Hamilton to Brantford, in the said District.

Road between J. Binkley's and Dundas and Waterloo Road may be Macadamized.

V. *And be it further enacted by the authority aforesaid,* That whenever the Trustees, in making such road, shall find it necessary to deviate from the present line of road, it shall and may be lawful for them to shut up the old line, sell it or give it in exchange for the ground occupied by the new line: *Provided always nevertheless,* that by so doing they do not interfere with any previous approach to said old road.

Trustees may deviate from old line of Road.

VI. *And be it further enacted by the authority aforesaid,* That no person shall be allowed to haul logs or timber along said road, unless such are borne on carriages in such a manner as to prevent the end of the same trailing on the ground.

Logs, &c. not to be trailed along the road.

Under penalty of 10s.

VII. *And be it further enacted by the authority aforesaid,* That any person refusing to comply with the provisions of the last preceding clause, shall be liable to pay a penalty, not exceeding the sum of ten shillings for each offence, on conviction before any one of Her Majesty's Justices of the Peace in and for the said District, upon the testimony of one or more credible witnesses.

Trustees not liable for damages for cutting &c. on old line of road.

VIII. *And be it further enacted by the authority aforesaid,* That when in making said road the Trustees shall follow the old line, and do not encroach upon the land belonging to any individual, then the Trustees shall not be liable to pay damages for cutting or embanking.

CHAP. LI.

AN ACT' granting a further sum of money for the purpose of completing the Macadamized Road, between the Town of Kingston and the Village of Napanee, in the Midland District.

[Passed 11th May, 1839.]

Preamble.

WHEREAS it is desirable to grant an additional sum of money to complete the Macadamized Road between the Town of Kingston and the Village of Napanee: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for Her Majesty's Receiver General of this Province to issue Debentures on the same terms, and to be paid and received in the same manner, as is provided by an Act passed for the like purpose in the seventh year of His late Majesty's reign, entitled, "An Act to raise a sum of money for the purpose of Macadamizing the road between the Town of Kingston and the Village of Napanee," a further sum, not exceeding in the whole Ten Thousand Pounds, to be expended in completing the said road, between the Town of Kingston and the Village of Napanee.

Further appropriation of £10,000 for Kingston and Napanee Road.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for Her Majesty's Receiver General, by and with the consent of the Lieutenant Governor in Council, to issue Debentures for such sums, and at such times, as the Trustees for the said road may find it necessary to demand, not exceeding in the whole the sum of ten thousand pounds: *Provided always,* that before any Debentures be issued under the provisions of this Act, a return shall be made to the Lieutenant Governor of the amount of money expended, and the manner in which the same has been expended, 'certified by the Commissioners authorised to expend the same.

Debentures to be issued
as money required.

Returns of expenditure to
be made.

CHAP. LII.

AN ACT granting to Her Majesty a sum of money for the Improvement of the Post Road between Cornwall and L'Orignal.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

WHEREAS the repair and improvement of the Post Road between Cornwall and L'Orignal, is highly important and necessary for the defence of that section of the Province, in case of insurrection or invasion, as well as for advancing the peaceful objects of internal communication, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the public monies which are or shall be in the hands of Her Majesty's Receiver General of this Province, and applicable to the purposes thereof, there be granted to Her Majesty the sum of One Thousand Pounds, to be appropriated and expended as follows:—On that part of the said road lying between the Town of Cornwall and Saint Andrews, One Hundred and Fifty Pounds; and on that part of the said road lying

Preamble.

£1000 granted for
purposes of this Act.

between Saint Andrews and the west line of Charlottenburgh, Seventy-five Pounds; and the Honourable Philip Vankoughnet, Captain Donald McDonell, late of Her Majesty's fortieth Regiment, Donald Æneas McDonell, Esquire, Member of the Provincial Parliament for the County of Stormont, and John McDonald, of lot number ten in the fifth concession of Cornwall, and John Cameron, of the fourth concession of Cornwall, be Commissioners for the expenditure of the same. On that part of the said road lying between the west line of Charlottenburgh and Saint Raphael's Church, the sum of Seventy-five Pounds, and that the Honourable John McGillivray, Honourable Alexander Fraser, and Alexander McMartin, Esquire, Sheriff, be Commissioners for the expenditure of the same. On that part of the said road lying between Saint Raphael's Church and the northern line of Lochiel, the sum of Five Hundred Pounds, and that Duncan MacDonell, (of Greenfield) Esquire, Alexander Chisholm, Esquire, Member of Assembly, and Charles Platt Treadwell, Esquire, Sheriff, be Commissioners for the expenditure of the same. On that part of the road situate in the Ottawa District, lying between the northern line of Lochiel, and the Village of L'Original, the sum of Two Hundred Pounds, and that Neil Stewart, and William Wait, Esquires, and Thomas Higginson of Van Cleek's Hill, be Commissioners for the expenditure of the same.

Proportions payable to
Eastern and Ottawa
Districts.

II. *And be it further enacted by the authority aforesaid,* That the monies to be laid out and expended under the provisions of this Act, shall be paid by the Receiver General of this Province in the following proportions:—that is to say; Eight Hundred Pounds to the Commissioners of the Eastern District; and Two Hundred Pounds to the Commissioners of the Ottawa District, in discharge of such warrant or warrants as shall be issued by the Lieutenant Governor for that purpose.

Time within which
money to be expended
and accounted for.

III. *And be it further enacted by the authority aforesaid,* That the monies hereby authorised to be expended upon the said road, shall be expended and applied on or before the first day of November next after passing of this Act; and shall be accounted for to His Excellency the Lieutenant Governor on or before the first day of December next.

CHAP.

CHAP. LIII.

AN ACT granting One Thousand Pounds for opening and improving a Road from London, in the London District, to the River Saint Clair, in the Western District.

[Passed 11th May, 1839.]

WHEREAS it is important to the commercial and agricultural interests of this Province, and necessary for the Military defence thereof, that a road be opened and improved from London, in the District of London, to the head of the River Saint Clair, in the Western District: *And whereas* it is necessary to provide for the same: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Lieutenant Governor of this Province, to authorise Her Majesty's Receiver General of this Province to pay the sum of One Thousand Pounds, currency, out of such monies as may be in his hands, and unappropriated, to be expended in opening, improving and constructing, a road from the Town of London, in the District of London, to the head of the River Saint Clair, in the Western District, under the Commissioners hereinafter named.

Preamble.

£1,000 granted for London and St. Clair Road.

II. *And be it further enacted by the authority aforesaid,* That Richard E. Vidal, Frome Talfourd, William Jones, John Harris, of the Town of London, and Malcolm Cameron, Esquires, be and they are hereby appointed Commissioners to carry into effect the provisions of this Act.

Commissioners appointed.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or a majority of them, shall be and they are hereby authorised to receive and expend the said sum of One Thousand Pounds, in such way and manner as to them shall appear best for the general interest of the people of this Province, and without regard to local or private interests, for the purposes aforesaid.

Authority of Commissioners.

Commissioners to report
progress and expenditure.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners shall from time to time report to the Lieutenant Governor of this Province their progress, and a statement of the expenditure of the said money, with réceipts and vouchers for the same, for the information of the Legislature.

Provision for survey &c.
of Line of Road.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Lieutenant Governor to nominate and appoint a fit and proper person or persons as a Civil Engineer, or Engineers and Surveyors, with competent assistants, to survey and locate the proper route for a public highway, from the Town of London, in the District of London, to Port Sarnia, in the Western District; and the Commissioners named in this Act shall be and are hereby authorised to expend the sum of One Thousand Pounds granted in this Act, upon such route as shall be so determined upon: *Provided always* that the said survey be made before the first day of July next, otherwise said Commissioners shall be at liberty to expend the said sum of One Thousand Pounds as they may deem best for the public good.

Survey to be made before
1st July, 1839.

CHAP. LIV.

AN ACT granting a sum of money to improve and keep in repair the Kettle Creek Harbour, at Port Stanley.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS it is expedient to improve and keep in repair the Kettle Creek Harbour, at Port Stanley, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out

of the rates and duties now levied and collected, or hereafter to be levied and collected, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of Two Thousand Pounds, to be expended and applied as hereinafter provided, in improving and repairing the Kettle Creek Harbour, at Port Stanley.

£2,000 granted for Harbour at Port Stanley.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor of this Province, to appoint under his Seal at Arms, not more than three Commissioners for expending and applying the said sum of Two Thousand Pounds, under the superintendence and direction of a Civil Engineer, to be appointed as hereinafter provided.

Commissioners, &c. for expending money granted.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Lieutenant Governor of this Province, to appoint a Civil Engineer to examine the Harbour at Port Stanley, and point out in writing, to the Commissioners that may be appointed under this Act, the best method for improving and repairing the said Harbour, and to report the same to the Lieutenant Governor, that the same may be laid before the Legislature at its next meeting; and it shall be the duty of the said Commissioners, and they are hereby required, to expend and apply the said Two Thousand Pounds for the improvement and repairing the said Harbour, after the manner that may be pointed out to them by the said Civil Engineer.

Civil Engineer to be appointed for purposes of this Act.

Money to be applied according to Engineer's plan.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall and they are hereby required, on or before the thirty-first day of December next, to render an account in detail of the money so expended in the improvement of the said Harbour to the Lieutenant Governor, that the same may be laid before the Legislature at its next Meeting.

Detailed report of expenditure to be made by Commissioners.

CHAP.

P

CHAP. LV.

AN ACT to make further provision for the completion of the improvement of the Navigation of the Inland Waters of the District of Newcastle.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN.

Preamble.

Further sum of £3,000 to
Commissioners of Trent
Navigation.

WHEREAS the sum of Sixteen Thousand Pounds, heretofore granted for the improvement of the navigation of the Inland Waters of the District of Newcastle, was inadequate for that object, and was within the estimate of the Engineer employed upon that work, which has nearly approached completion: *And whereas* it appears that the further sum of Three Thousand Pounds is requisite to complete the work, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Lieutenant Governor of this Province, to issue his warrant in favour of the Commissioners now appointed to superintend the expenditure of the said Sixteen Thousand Pounds, for the said sum of Three Thousand Pounds, or such part thereof as the said Commissioners may from time to time require; which sum shall be accounted for in like manner as the said Sixteen Thousand Pounds is required to be accounted for.

CHAP.

CHAP. LVI.

AN ACT to extend the provisions of an Act passed in the seventh year of the reign of His late Majesty, entitled, "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, "An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges, in the several Districts of this Province."

[Passed 11th May, 1839.]

WHEREAS the provisions of an Act passed in the first Session of the present Parliament, entitled, "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled, 'An Act granting to His Majesty a sum of money for the improvement of the roads and bridges in the several Districts of this Province,'" have not been fully carried into effect, there being only warrants issued for one moiety of the money thereby granted, owing to the want of funds in the hands of the Receiver General: *And whereas* the said recited Act limits the periods in which the monies so granted shall be expended and applied, and makes provision for the disposition of the sums unaccounted for at the expiration of the preceding year, and also the dates at which the warrants for the amounts of the grants already issued, not allowing in all cases, time for the full application of the monies for the purposes intended: *And whereas* contracts having been entered into by various Commissioners for the full amount of the sums appropriated for the purposes of the said Act, thereby becoming personally responsible to the Contractors, it is therefore necessary and expedient, in order to carry out the true intent and meaning of the said Act, and to afford relief in the premises, to continue the said Acts in full force, with the following amendments: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That such monies shall be applied and expended, agreeably to the provisions of the said Act or Acts, between the first day of May, and the fifteenth day of October, in each and every year, until the

Preamble.

Recital of 7, Wm. 4th, c. 107;

And contracts entered into thereunder;

Monies to be expended between 1st May and 15th October in each year.

whole shall be expended: *Provided always*, that this Act shall not apply to cause-ways and bridges not covered with earth.

Town Wardens to stand in the place of Township Commissioners, originally appointed for expending money granted;

Accounts of expenditures to be rendered before 1st January, in each year.

II. *And be it further enacted by the authority aforesaid*, That in all cases where the Township Commissioners were appointed to expend the several sums of money granted by the aforesaid Act, the Town Wardens now or hereafter, to be appointed in the several Townships shall be authorised to expend and account for the same; and that the Commissioners or Township Wardens as originally appointed to expend the said money on the roads in the different Townships of this Province, shall be and are hereby held accountable for the expenditure of the said money; and to render full and perfect accounts to His Excellency the Lieutenant Governor, on or before the first day of January in each and every year, until the whole shall have been expended and accounted for, according to the form annexed to this Act.

Monies now in the hands of Commissioners under 7 Wm. 4, c. 107, to be applied according to that Act;

Treasurers to pay Commissioners, &c. monies applicable to such Act.

III. *And be it further enacted by the authority aforesaid*, That the Commissioners named and appointed in the said Act shall have full power and authority to retain all monies which may be in their hands at the time of passing this Act, and shall be by them applied in conformity to the said Act; and that the Treasurers of the respective Districts shall pay over to such Commissioners or Township Wardens all monies now in their hands, or which may hereafter come into their hands under the provisions of the said Act, to be by them applied for the purpose aforesaid.

Treasurers not to retain per centage.

IV. *And be it further enacted by the authority aforesaid*, That the Treasurers of the several Districts shall not retain any part of the sums of money that may come into their hands, or which may hereafter come into their hands for the purposes of the said Act, as per centage, but shall pay over the whole amount granted for their respective Districts to the Commissioners or Township Wardens.

Appropriation for Ottawa District to be expended according to original Act.

V. *And be it further enacted by the authority aforesaid*, That the money granted for the District of Ottawa, and which remains unexpended, shall be expended under the direction of the Magistrates of the said District, as provided by the original Act.

Commissioners not to receive further sums until vouchers produced for those already received.

VI. *And be it further enacted by the authority aforesaid*, That in no case shall the Commissioners appointed to expend the several sums of money granted by the before recited Act, be entitled to receive any further sum until they shall have produced satisfactory vouchers for the amount already received by them, to the Treasurers of the several Districts.

VII. *And whereas* it has been represented, that the Treasurer of the District of Niagara has not accounted for certain portions of the road money coming into his hands: *Be it therefore enacted by the authority aforesaid*, That whenever it shall appear to the Magistrates of the Quarter Sessions of said District, that the Commissioners heretofore appointed to expend the money granted on certain portions of the roads in said District, shall have expended the amounts so granted, it shall be the duty of said Magistrates to direct the Treasurer in said District to pay the amount so unaccounted for to the Commissioners who have expended the same, and to deduct the amount from the balance of the road appropriation for that District.

Provision in respect of the sum unaccounted for by the Treasurer of Niagara District.

VIII. *And be it further enacted by the authority aforesaid*, That John Reesor, Junior, Andrew McCraight, and Benjamin Melliken, be Commissioners to expend the money appropriated for the road on the Sixth Concession of Markham; and that John Harrington, and John Raimer, be Commissioners for the road on the Township line between Scarborough and Markham.

Certain Commissioners appointed.

FORM.

SCHEDULE, or *Abstract Statement and Receipts of Monies expended in the ——— District, under the Road Act of 1831, by A. B. and C. D. Commissioners.*

| Contractors' Names. | Description of Work Contracted for. | Sums in Currency for which Contracts have been made. | | | Signatures of Contractors, acknowledging the receipt of the sums opposite their names. | Names of Witnesses to the Payment and Signatures. |
|---------------------|-------------------------------------|--|--|--|--|---|
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Form of Schedule.

CHAP. LVII:

AN ACT to revive and continue, with certain limitations, an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a sum of money for the erection of certain Light-Houses within the Province, and for other purposes therein-mentioned."

[Passed 11th May, 1839.]

Preamble.

WHEREAS an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a sum of money for the erection of certain Light-Houses within the Province, and for other purposes therein-mentioned," has recently expired: *And whereas*, it is expedient to revive and continue the said Act as far as relates to such Light-Houses therein specified as have not yet, from whatever cause, been commenced or completed: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act shall be and the same is hereby revived and continued excepting so far as the same relates to any Light-House or Light-Houses therein specified, which has or have been erected and accounted for in accordance with the provisions of the said Act, and excepting the third clause in the said Act contained.

7, Wm. 4, c. 95 revived and continued, with certain exceptions.

Third section of 7, Wm. 4, c. 95, repealed.

II. *And be it further enacted by the authority aforesaid*, That the said third clause in the said Act contained, shall be and the same is hereby repealed.

Commissioners to render detailed account on or before 1st January, 1841.

III. *And be it further enacted by the authority aforesaid*, That the Commissioners in and by the said Act authorised to be appointed for the purposes thereof, as far as regards the Light-Houses in the the said Act specified, which have not as yet been commenced, completed or accounted for, shall, on or before the first day of January, which will be in the year of our Lord one thousand eight hundred and forty-one, render an account in detail, with proper vouchers, to the Governor, Lieutenant Governor, or

Person Administering the Government of this Province, of the monies expended under the said Act, to be submitted as soon as may be to the Legislature.

CHAP. LVIII.

AN ACT to provide for the Completion of the Gull Island Light-House.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

WHEREAS a further sum is required to complete the Gull Island Light-House, in the District of Newcastle, We therefore beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the sum of four hundred and fifty-three pounds, twelve shillings and six-pence, be granted to Her Majesty, to enable Her Majesty to pay that sum to the Commissioners appointed to superintend the erection of a Light-House on Gull Island, for the completion of the same.

Preamble.

£453 12 6 for completion of Gull Island Light House.

CHAP. LIX.

AN ACT to continue and make perpetual an Act, entitled "An Act to increase the Salary of the Keeper of the False Ducks Light-House."

[Passed 11th May, 1839.]

WHEREAS it is expedient to continue and make perpetual a certain Act of the Parliament of this Province, passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to increase the Salary of the Keeper of the False Ducks Light-House," which said Act was continued by a certain other Act of the Parliament of this Pro-

Preamble.

vince, passed in the first year of Her Majesty's reign, entitled "An Act to continue the expiring Laws": *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said first-mentioned Act be and the same is hereby continued and made perpetual, any thing in the said Acts to the contrary thereof in anywise notwithstanding.

5, Wm. 4, c. 37, made perpetual.

CHAP. LX.

AN ACT to afford relief to Robert Brown, Esquire.

[Passed 11th May, 1839.]

Preamble.

WHEREAS Robert Brown, Esquire, late Collector of Customs at the Port of Cobourg, in the District of Newcastle, has by laws of this Province been prevented from receiving any per centage on certain monies collected as duties at the said Port, and paid into the hands of the Receiver General of this Province, in consequence of the said Robert Brown not reporting the same to the Inspector General within the period prescribed by law: *And whereas*, it is expedient to afford relief to the said Robert Brown: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Inspector General of this Province to allow to the said Robert Brown, as Collector at the said Port of Cobourg, the regular per centage to which the said Robert Brown would be by law entitled on all monies heretofore collected at the said Port, and which may be paid into the hands of the Receiver General of this Province, as if the said monies had been accounted for according to and within the period prescribed by law.

Per-centage allowed on monies heretofore collected.

CHAP. LXI.

AN ACT for the relief of Teachers of Common Schools in the District of Niagara.

[Passed 11th May, 1839.]

WHEREAS by the fifth clause of an Act passed in the sixtieth year of the reign of His late Majesty King George the Third, entitled, “An Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty’s reign, entitled, ‘An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools,” it is enacted, that it shall not be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, to issue any further warrant on the Receiver General, under the provisions of the said Act, to any District Treasurer, until a faithful account shall be rendered, authenticated by proper vouchers, and attested by the oath of the respective Treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account of their respective Districts: *And whereas* the late Treasurer of the Niagara District has failed to account for monies received by him for the support of Common Schools in said District, and having become insolvent, there is no hope or expectation that he will soon, if ever, be in a condition so to do, and it is expedient to relieve the District from the prohibition contained in the said fifth clause of the before recited Act, and to authorise payment to be made to the present District Treasurer of all monies which may remain in the hands of the Receiver General, due to said District for support of Common Schools, as well as any which in future may become due or be granted for that purpose: *Be it therefore enacted* by the Queen’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,” and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor of this Province to issue his warrant or warrants on the Receiver General, in favour of the Treasurer of the District of Niagara, for all such sum or sums of money as may

Preamble.

Lieutenant Governor
empowered to issue
Warrants for payment of
arrear, and for future
support of Common
Schools.

Q

Without abatement from
defalcation of District
Treasurer.

appear to be in arrears for the support of Common Schools therein, and also such sum or sums of money as may become due from time to time for the support of Common Schools in the aforesaid District of Niagara, either by virtue of the said recited Act, or any other Act authorising the payment of monies which the Teachers in Common Schools, in the said District of Niagara, may be entitled to receive, without any abatement or deduction whatever on account of the defalcation of the late Treasurer of the said District, save and except the deficiency arising from such defalcation previous to the passing of this Act, any thing in the said fifth clause of the said first recited Act, or in any Law, usage or custom, to the contrary in anywise notwithstanding.

CHAP. LXII.

AN ACT granting a sum of money for the support of Common Schools, for the year one thousand eight hundred and thirty-nine.

[Passed 11th May, 1839.]

Preamble.

Additional appropriation
of £5,650 for support of
Common Schools.

WHEREAS it is expedient to grant a sum of money for the support of the Common Schools in the several Districts of this Province: : *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to Her Majesty, for the use of the Common Schools in this Province, for the year of our Lord one thousand eight hundred and thirty-nine, the sum of Five Thousand Six Hundred and Fifty Pounds, in addition to the sums now appropriated by Law, to be applied in the same way and manner, and in conjunction with the present sums granted by Act of Parliament; which said sum of Five Thousand Six Hundred and Fifty Pounds, shall be appropriated among the several Districts of this Province as follows, that is to say:—

To the Ottawa District, the sum of One Hundred Pounds.
 To the Eastern District, the sum of Five Hundred Pounds.
 To the Johnstown District, the sum of Five Hundred Pounds.
 To the Bathurst District, the sum of Five Hundred Pounds.
 To the Midland District, the sum of Five Hundred and Fifty Pounds. Proportions to the several Districts.
 To the Prince Edward District, the sum of Two Hundred Pounds.
 To the Newcastle District, the sum of Five Hundred Pounds.
 To the Home District, the sum of Seven Hundred and Fifty Pounds.
 To the Gore District, the sum of Six Hundred Pounds.
 To the Niagara District, the sum of Five Hundred Pounds.
 To the London District, the sum of Four Hundred and Fifty Pounds.
 To the Talbot District, the sum of One Hundred and Fifty Pounds.
 To the Western District, the sum of Three Hundred and Fifty Pounds.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Five Thousand Six Hundred and Fifty Pounds, shall be paid by the Receiver General of this Province, in discharge of such warrants as may for that purpose be issued by the Lieutenant Governor. To be paid upon Lieutenant Governor's Warrants.

III. *And be it further enacted by the authority aforesaid,* That the third and fourth clauses of an Act passed in the first year of Her Majesty's reign, entitled, "An Act granting a sum of money for the support of Common Schools, for the year eighteen hundred and thirty-eight," be and the same are hereby revived and continued. 1, Victoria, c. 60, s. 3 & 4, revived and continued.

CHAP. LXIII.

AN ACT granting a certain sum of money for the maintenance and support of the House of Industry, in the City of Toronto.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is reasonable to grant aid to the House of Industry of the City of Toronto, may it therefore please Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Preamble.

£300 granted in aid of
House of Industry.

Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, there be granted to Her Majesty the sum of Two Hundred Pounds, to enable Her Majesty to advance the like sum in aid of the means already adopted by the Managers of the House of Industry, for the relief of the poor and distressed of the City of Toronto.

CHAP. LXIV.

AN ACT granting a sum of money for the maintenance and support of the General Hospital, of the City of Toronto.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

Preamble.

£500 granted in aid of
the Hospital funds.

WHEREAS it is expedient to afford aid to the Hospital in the City of Toronto, may it therefore please Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to Her Majesty the sum of Five Hundred Pounds, to enable Her Majesty to afford aid to that extent to the funds of the Hospital of the City of Toronto.

CHAP. LXV.

AN ACT to provide for the further support of the Provincial Penitentiary.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient to proceed with the completion of the Provincial Penitentiary, as far as may be requisite for the safe keeping of Convicts, and for the accommodation of the Officers and Keepers, and the due enforcement of discipline; and also to provide funds for the clothing, lodging and maintenance, of the Convicts, and for the payment of the Officers, Watchmen and other persons employed, in the guarding, government and police, of the said Penitentiary, may it therefore please Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for Her Majesty's Receiver General of this Province, and he is hereby required, from and out of the rates and duties now levied and collected, and hereafter to be raised, levied and collected, and remaining in the hands of the said Receiver General, unappropriated, to discharge such warrant or warrants as shall from time to time be issued by the Lieutenant Governor, in favour of the Board of Inspectors of the said Penitentiary, by whom the money so obtained on such warrant shall be applied in completing the Hospital, Mess-room, Kitchen and Offices therein, as may be found necessary; in clothing, feeding, lodging and furnishing employment for Convicts, and in paying the salaries and wages of the Officers, Keepers and Watchmen, of the said Penitentiary; *Provided always*, that the said monies shall not exceed in amount the sum of Eight Thousand Pounds.

Preamble.

£8,000 granted towards the completion, and for support of Penitentiary.

Account of expenditure to
be rendered.

II. *And be it further enacted by the authority aforesaid,* That an account in detail of the expenditure which may be incurred under this Act, shall be submitted to the Lieutenant Governor, to be laid before the Legislature at its next Session.

CHAP. LXVI.

AN ACT granting a Pension to the Widow and Children of the late Captain Edgworth Ussher.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS the late Captain Edgworth Ussher, of Her Majesty's Militia of this Province, was inhumanly assassinated in the night time, in his own home, by Brigands from the United States of America: *And whereas,* there is reason to believe that his assassination is to be attributed to the gallantry and activity displayed by him in resisting the invasion of this Province by the inhabitants and citizens of the said United States: *And whereas,* it is just and proper to mark the sense entertained of the services rendered to the Province by the said Captain Edgworth Ussher, by granting a Pension to his surviving Widow and Family, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore most humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, and in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of One Hundred Pounds, annually, to provide for the payment of a Pension to the Widow of the late Captain Edgworth Ussher, to commence on the fifteenth day of November last, and payable half yearly to the said Widow; and in case of her death or marriage, then to

Pension of £100 granted
to Widow of Capt. Ussher;

the eldest Child or Guardian thereof lawfully appointed, for the use of the Children of the said Captain Ussher, until the youngest thereof shall have attained the age of twenty years. On her death or marriage, to Capt. Ussher's Children.

CHAP. LXVII.

AN ACT granting a sum of money to remunerate Bernard Turquand, for certain services therein mentioned.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN :

WHEREAS Bernard Turquand, Senior Clerk in the Office of Your Majesty's Receiver General, has performed extra services in registering Preamble. Government Debentures, and keeping the different accounts for the same, as ordered under the various Acts of the Legislature directing the raising of monies by Debenture : *And whereas*, it is in said Acts provided that remuneration for such services shall from time to time be made, may it therefore please Your Majesty that it may be enacted : *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be granted unto Her Majesty the sum of Two Hundred Pounds, from and out of the public revenues of this Province, to enable Her Majesty to pay the like sum to Bernard Turquand, Senior Clerk in Her Majesty's Office of Receiver General, for the aforesaid services. Grant of £200 for services rendered by B. Turquand.

CHAP.

CHAP. LXVIII.

AN ACT to make provision for the payment of certain losses, sustained by sundry individuals therein named.

[Passed 11th May, 1839.]

Preamble.

Debentures to be issued in payment of losses during the Rebellion.

WHEREAS during the last Session of the Legislature of this Province, the claims of sundry inhabitants thereof, for losses during the late Insurrection, have been duly investigated, by the Commissioners appointed under the Act passed during the said Session, entitled, "An Act to authorise the appointment of Commissioners, to investigate the claims of certain inhabitants of this Province, for losses sustained during the late unnatural Rebellion," who have reported thereupon, and it is expedient to make provision for the satisfaction of such claims: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That immediately after the passing of this Act, it shall and may be lawful for the Receiver General of this Province to issue debentures to the following persons, inhabitants of this Province, whose claims for losses during the Insurrection, in the month of December, in the year of our Lord one thousand eight hundred and thirty-seven, have been investigated by the Commissioners appointed under the before recited Act, for the amount of their several and respective claims, as allowed by the said Commissioners, which claims are as follows, that is to say: Robert Charles Horne, Esquire, the sum of Two Thousand One Hundred and Twenty-seven Pounds, eighteen and nine-pence; Clarke Gamble, Esquire, Trustee to the Estate of the late Benjamin Whitney, Esquire, the sum of One Hundred and Twenty-five Pounds; Michael Murnan, the sum of Seven Pounds four shillings; Jane Mulligan, the sum of Nine Pounds; Mistress Washburn, the sum of One Thousand Two Hundred and Twenty-one Pounds, six shillings and five-pence; Michael Burrough, the sum of Thirty-three Pounds, five shillings and three-pence; William Burrough, the sum of Three Hundred and Fifty

Pounds; J. Stafford, for O. Stafford, the sum of One Hundred and Thirty-three Pounds; James Stafford, the sum of Thirty-six Pounds, five shillings; J. Detchman, the sum of Sixty Pounds, fourteen shillings.

II. *And be it further enacted by the authority aforesaid*, That the said Debentures may be issued to the said individuals, in such amounts as the said Receiver General may deem expedient, and shall bear interest at the rate of six per centum per annum, and be redeemable at the expiration of twenty years from the time of issuing the same, and bear date from the first day of January last.

Amount &c. and period for redemption of such debentures.

CHAP. LXIX.

AN ACT to increase the Salary of the Adjutant General of Militia of this Province.

[Passed 11th May, 1839.]

MOST GRACIOUS-SOVEREIGN:

WHEREAS it is expedient to increase the Salary of the Adjutant General of Militia of this Province: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the second clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled "An Act to provide a Salary for the Adjutant General of Militia in this Province, and for other purposes therein-mentioned," as grants to Her Majesty annually the sum of three hundred and sixty-five pounds, to provide a salary for the Adjutant General of Militia of this Province, be and the same is hereby repealed.

Preamble.

4, Geo. 4, chap — partially repealed.

II. *And be it further enacted by the authority aforesaid*, That from and out of the rates and duties already raised, levied and collected, or here-

R

£800 per annum granted
for Salary of Adjutant
General.

after to be raised, levied and collected, to and for the public uses of this Province, there be granted annually to Her Majesty, Her Heirs and Successors, the sum of six hundred pounds, to provide a salary for the Adjutant General of Militia of this Province; the said salary of six hundred pounds to commence and be payable from the the first day of Jannary, eighteen hundred and thirty-eight.

CHAP. LXX.

AN ACT to make good certain monies advanced, in compliance with two several Addresses of the House of Assembly, during the last Session, for the contingent expenses of the Legislature of this Province.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

Preamble.

WHEREAS in pursuance of two several Addresses of your Commons House of Assembly, during the last Session of the present Parliament, to Sir Francis Bond Head, K. C. H., then Your Majesty's Lieutenant Governor of this Province, the sum of Eleven Thousand Two Hundred and Twenty Pounds, and three-pence half-penny, has been issued and advanced by Your Majesty, through your said Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the contingent expenses of the said last Session of the present Parliament, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore humbly beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, and unappropriated, there shall be issued

Grant to make good sums
advanced for contingent
expenses.

and applied the sum of Eleven Thousand Two Hundred and Twenty Pounds, and three-pence half-penny, to make good the said sum so issued and advanced as aforesaid.

CHAP. LXXI.

AN ACT granting a certain sum of money to defray the expenses of the Civil Government, for the year 1839, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it is expedient to provide for defraying the charges of the several services hereinafter mentioned, in support of the Civil Government Preamble. of the Province, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, do therefore beseech Your Majesty that it may be enacted: *And be it enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied and collected, or hereafter to be raised, levied and collected, Grant for payment of Officers of Civil Government; to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of Twenty-eight Thousand and Forty-nine Pounds, eighteen shillings and one penny, which said sum of Twenty-eight Thousand and Forty-nine Pounds, eighteen shillings and one penny, shall be applied in the payment of the following charges, viz.:

Apportionments.

Government Office.—To the Private Secretary of His Excellency the Lieutenant-Governor, the sum of Two Hundred and Eight Pounds.

Four Clerks, Eight Hundred and Fifty Pounds.

Contingencies, Eleven Hundred and Ten Pounds.

Contingencies, (excess of 1838,) One Thousand Three Hundred and Ten Pounds.

Executive Council Office.—Two Clerks, Five Hundred Pounds.

One extra Clerk, One Hundred and Fifty Pounds.

Contingencies, One Hundred and Twenty-five Pounds.

Receiver General's Office.—Three Clerks, Six Hundred and Fifty Pounds.

Contingencies, Two Hundred Pounds.

Secretary and Registrar's Office.—Deputy Secretary and Registrar, Three Hundred Pounds.

One Clerk, Two Hundred Pounds.

Inspector General's Office.—Two Clerks, Five Hundred Pounds.

Contingencies, One Hundred Pounds.

Surveyor General's Office.—Senior Surveyor and Draftsman, and five Clerks, One Thousand Three Hundred and Ten Pounds.

Contingencies, One Hundred Pounds.

Office of the Adjutant General of Militia.—One Clerk, One Hundred and Fifty Pounds.

Contingencies, One Hundred Pounds.

Contingencies, (excess of 1838,) Two Hundred and Fifteen Pounds.

Office of the Clerk of the Crown.—In case the fees of that Office shall be paid into the General Revenues of the Province:

First Clerk, Three Hundred Pounds.

Second Clerk, Two Hundred Pounds.

Third Clerk, One Hundred and Fifty Pounds.

Fourth Clerk, One Hundred and Fifty Pounds.

Printing Statutes, for the present Session.—One Thousand Pounds.

Government Printing.—Seven Hundred and Fifty Pounds.

Excess for the year 1838, Three Hundred and Eighty Two Pounds.

Repairs of the Government House.—One Hundred Pounds.

Contingencies of the Public Offices.—Six Hundred and Fifty Pounds.

Usher and Keeper of the Court of King's Bench.—Forty Pounds.

Fees to Queen's Counsel.—Four Hundred Pounds.

Casual and Extraordinary Expenses.—Six Hundred Pounds.

Her Majesty's Attorney General.—The sum of Eight Hundred and Sixty-six Pounds, thirteen shillings and four-pence, additional salary, in lieu of all fees, travelling expenses or contingencies, and in lieu of fees as an Officer of the Land Granting Department, and for such other sums as he may receive on Fiats or other Instruments.

Her Majesty's Solicitor General.—The sum of Three Hundred and Seventy-seven Pounds, fifteen shillings and eight-pence, in lieu of all fees, travelling expenses or contingencies.

To defray the charges for reward and expenses, in the arrest, subsistence, and trial of State Prisoners, and for the payment of other charges consequent thereon, the sum of Three Thousand Pounds.

To repay so much advanced from the Crown Revenues, for the same service, for the year one thousand eight hundred and thirty-eight, Four Thousand Five Hundred and Twelve Pounds, four shillings and nine-pence.

To pay the amount yet due for the same service for the year one thousand eight hundred and thirty-eight, the sum of Five Thousand Pounds.

To repay the amount advanced from the Crown Revenues, for secret services, for the year one thousand eight hundred and thirty-eight, One Thousand Three Hundred and Ninety Pounds, three shillings and eleven-pence.

To pay the amount yet due for same service, the sum of One Hundred and Three Pounds and five-pence.

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